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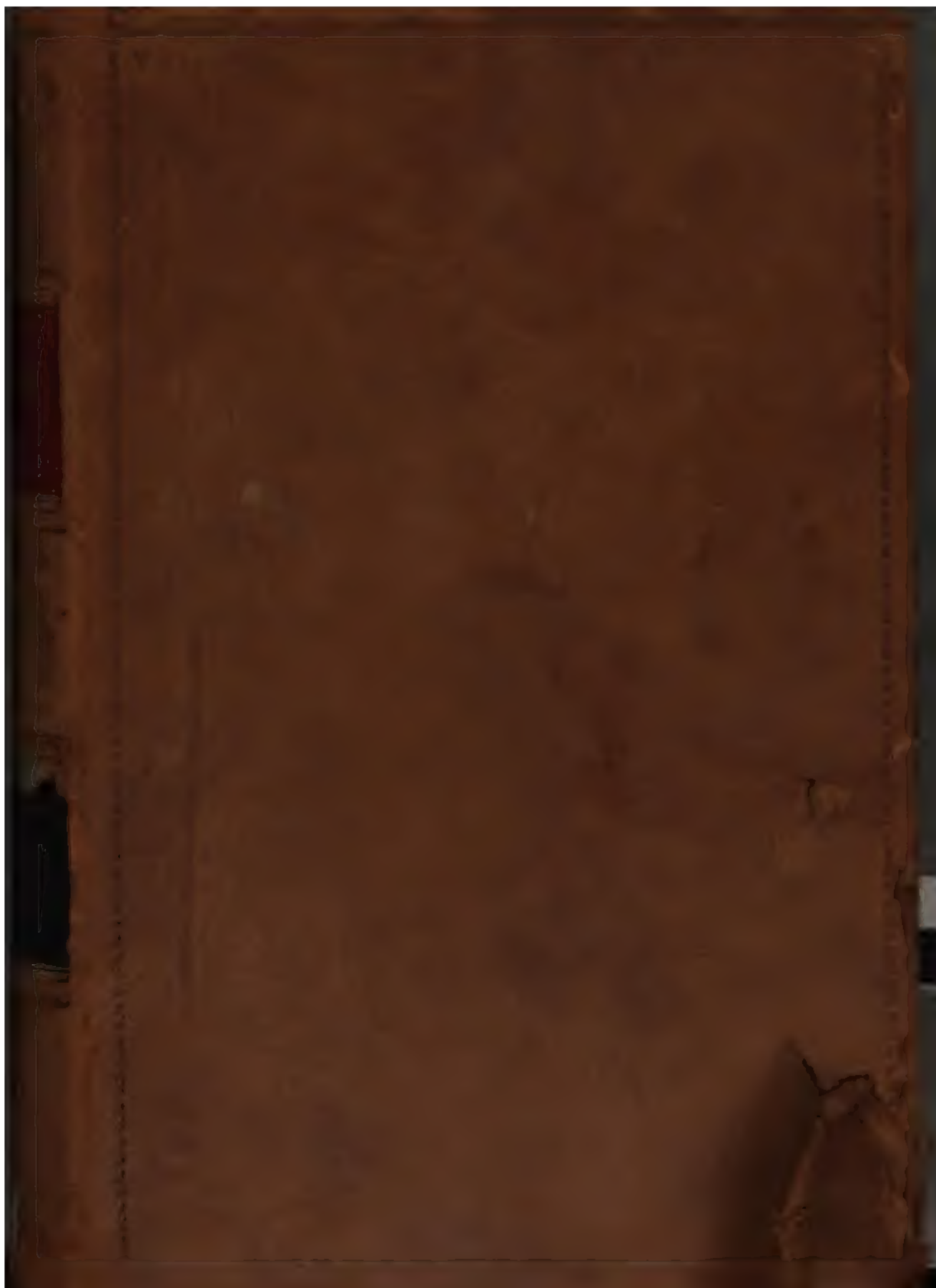
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TO THE

SENATE EXECUTIVE DOCUMENTS

FOR THE

SECOND SESSION OF THE THIRTY-NINTH CONGRESS

OF THE

UNITED STATES OF AMERICA.

1866-'67.

IN TWO VOLUMES.

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1867.



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MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

RETURNING

The bill (S. 462) "to admit the State of Colorado into the Union," with his objections thereto.

JANUARY 29, 1867.—Read and ordered to be printed.

To the Senate of the United States :

I return to the Senate, in which house it originated, a bill entitled "An act to admit the State of Colorado into the Union," to which I cannot, consistently with my sense of duty, give my approval. With the exception of an additional section, containing new provisions, it is substantially the same as the bill of a similar title passed by Congress during the last session, submitted to the President for his approval, returned with the objections contained in a message bearing date the 15th of May last, and yet awaiting the reconsideration of the Senate.

A second bill, having in view the same purpose, has now passed both houses of Congress, and been presented for my signature. Having again carefully considered the subject, I have been unable to perceive any reason for changing the opinions which have already been communicated to Congress. I find, on the contrary, that there are many objections to the proposed legislation, of which I was not at that time aware; and that while several of those which I then assigned have, in the interval, gained in strength, yet others have been created by the altered character of the measure now submitted.

The constitution under which this State government is proposed to be formed very properly contains a provision that all laws in force at the time of its adoption, and the admission of the State into the Union, shall continue as if the constitution had not been adopted. Among those laws is one absolutely prohibiting negroes and mulattoes from voting. At the recent session of the Territorial legislature a bill for the repeal of this law, introduced into the council, was almost unanimously rejected; and at the very time when Congress was engaged in enacting the bill now under consideration, the legislature passed an act excluding negroes and mulattoes from the right to sit as jurors. This bill was vetoed by the governor of the Territory, who held that by the laws of the United States negroes and mulattoes are citizens, and subject to the duties, as well as entitled to the rights, of citizenship. The bill, however, was passed, the objections of the governor to the contrary notwithstanding, and is now a law of the Territory. Yet in the bill now before me, by which it is proposed to admit the Territory as a State, it is provided that "there shall be no denial of the elective franchise or any other rights, to any person, by reason of race or color, excepting Indians not taxed."

The incongruity thus exhibited between the legislation of Congress and that of the Territory, taken in connection with the protest against the admission of

the State hereinafter referred to, would seem clearly to indicate the impolicy and injustice of the proposed enactment.

It might indeed be a subject of grave inquiry, and doubtless will result in such inquiry if this bill become a law, whether it does not attempt to exercise a power not conferred upon Congress by the federal Constitution. That instrument simply declares that Congress may admit new States into the Union. It nowhere says that Congress may make new States for the purpose of admitting them into the Union, or for any other purpose; and yet this bill is as clear an attempt to make the institutions as any in which the people themselves could engage.

In view of this action of Congress, the house of representatives of the Territory have earnestly protested against being forced into the Union without first having the question submitted to the people. Nothing could be more reasonable than the position which they thus assume; and it certainly cannot be the purpose of Congress to force upon a community, against their will, a government which they do not believe themselves capable of sustaining.

The following is a copy of the protest alluded to, as officially transmitted to me:

“Whereas it is announced in the public prints that it is the intention of Congress to admit Colorado as a State into the Union: Therefore,

“*Resolved by the house of representatives of this Territory*, That, representing as we do the last and only legal expression of public opinion on this question, we earnestly protest against the passage of a law admitting the State, without first having the question submitted to a vote of the people, for the reasons, first, that we have a right to a voice in the selection of the character of our government; second, that we have not a sufficient population to support the expenses of a State government. For these reasons we trust Congress will not force upon us a government against our will.”

Upon information which I considered reliable, I assumed in my message of the 15th of May last that the population of Colorado was not more than thirty thousand, and expressed the opinion that this number was entirely too small either to assume the responsibilities or to enjoy the privileges of a State.

It appears that previous to that time the legislature, with a view to ascertain the exact condition of the Territory, had passed a law authorizing a census of the population to be taken. The law made it the duty of the assessors in the several counties to take the census in connection with the annual assessments, and, in order to secure a correct enumeration of the population, allowed them a liberal compensation for the service by paying them for every name returned, and added to their previous oath of office an oath to perform this duty with fidelity.

From the accompanying official report it appears that returns have been received from fifteen of the eighteen counties into which the State is divided, and that their population amounts in the aggregate to twenty-four thousand nine hundred and nine. The three remaining counties are estimated to contain three thousand—making a total population of twenty-seven thousand nine hundred and nine, (27,909.)

This census was taken in the summer season, when it is claimed that the population is much larger than at any other period, as in the autumn miners in large numbers leave their work and return to the east, with the results of their summer enterprise.

The population, it will be observed, is but slightly in excess of one-fifth of the number required as the basis of representation for a single congressional district in any of the States—that number being 127,000.

I am unable to perceive any good reason for such great disparity in the right of representation, giving, as it would, to the people of Colorado, not only this vast advantage in the House of Representatives, but an equality in the Senate,

where the other States are represented by millions. With perhaps a single exception, no such inequality as this has ever before been attempted. I know that it is claimed that the population of the different States at the time of their admission has varied at different periods, but it has not varied much more than the population of each decade, and the corresponding basis of representation for the different periods.

The obvious intent of the Constitution was, that no State should be admitted with a less population than the ratio for a representative at the time of application. The limitation in the second section of the first article of the Constitution, declaring that "each State shall have at least one representative," was manifestly designed to protect the States which originally composed the Union from being deprived, in the event of a waning population, of a voice in the popular branch of Congress, and was never intended as a warrant to force a new State into the Union with a representative population far below that which might at the time be required of sister members of the confederacy. This bill, in view of the prohibition of the same section, which declares that "the number of representatives shall not exceed one for every thirty thousand," is at least a violation of the spirit, if not the letter of the Constitution.

It is respectfully submitted that however Congress, under the pressure of circumstances, may have admitted two or three States with less than a representative population at the time, there has been no instance in which an application for admission has even been entertained when the population, as officially ascertained, was below thirty thousand.

Were there any doubt of this being the true construction of the Constitution it would be dispelled by the early and long-continued practice of the federal government. For nearly sixty years after the adoption of the Constitution no State was admitted with a population believed at the time to be less than the current ratio for a representative, and the first instance in which there appears to have been a departure from the principle was in 1845, in the case of Florida. Obviously the result of sectional strife, we would do well to regard it as a warning of evil rather than as an example for imitation, and I think candid men of all parties will agree that the inspiring cause of the violation of this wholesome principle of restraint is to be found in a vain attempt to balance those antagonisms which refused to be reconciled except through the bloody arbitrament of arms. The plain facts of our history will attest that the great and leading States admitted since 1845, viz., Iowa, Wisconsin, California, Minnesota, and Kansas, including Texas, which was admitted that year, have all come with an ample population for one representative, and some of them with nearly or quite enough for two.

To demonstrate the correctness of my views on this question I subjoin a table containing a list of the States admitted since the adoption of the federal Constitution, with the date of admission, the ratio of representation, and the representative population when admitted, deduced from the United States census tables, the calculation being made for the period of the decade corresponding with the date of admission.

States.	Admitted.	Ratio.	Population.
Vermont.....	1791	33,000	92,320
Kentucky.....	1792	33,000	95,638
Tennessee.....	1796	33,000	73,864
Ohio.....	1802	33,000	82,443
Louisiana.....	1812	35,000	75,212
Indiana.....	1816	35,000	98,110
Mississippi.....	1817	35,000	53,677
Illinois.....	1818	35,000	46,274
Alabama.....	1819	35,000	111,150
Maine.....	1820	35,000	298,335
Missouri.....	1821	35,000	69,260
Arkansas.....	1836	47,700	65,175
Michigan.....	1837	47,700	158,072
Florida.....	1845	70,680	57,951
Texas.....	1845	70,680	*189,327
Iowa.....	1846	70,680	132,572
Wisconsin.....	1848	70,680	250,497
California.....	1850	70,680	92,597
Oregon.....	1858	93,492	44,630
Minnesota.....	1858	93,492	138,909
Kansas.....	1861	93,492	107,206
West Virginia.....	1862	93,492	349,628
Nevada.....	1864	127,000	Not known.

*In 1850.

Colorado, which it is now proposed to admit as a State, contains, as has already been stated, a population less than twenty-eight thousand, while the present ratio of representation is one hundred and twenty-seven thousand.

There can be no reason, that I can perceive, for the admission of Colorado that would not apply with equal force to nearly every other Territory now organized; and I submit whether, if this bill become a law, it will be possible to resist the logical conclusion that such Territories as Dakota, Montana, and Idaho, must be received as States whenever they present themselves, without regard to the number of inhabitants they may respectively contain. Eight or ten new Senators, and four or five new members of the House of Representatives would thus be admitted to represent a population scarcely exceeding that which, in any other portion of the nation, is entitled to but a single member of the House of Representatives, while the average for two senators in the Union, as now constituted, is at least one million of people. It would surely be unjust to all other sections of the Union to enter upon a policy with regard to admission of new States which might result in conferring such a disproportionate share of influence in the national legislature upon communities which, in pursuance of the wise policy of our fathers, should for some years to come be retained under the fostering care and protection of the national government. If it is deemed just and expedient now to depart from the settled policy of the nation during all its history, and to admit all the Territories to the rights and privileges of States, irrespective of their population or fitness for such government, it is submitted whether it would not be well to devise such measures as will bring the subject before the country for consideration and decision. This would seem to be evidently wise, because, as has already been stated, if it is right to admit Colorado now, there is no reason for the exclusion of the other Territories.

It is no answer to these suggestions that an enabling act was passed authorizing the people of Colorado to take action on this subject. It is well known that that act was passed in consequence of representations that the population reached, according to some statements, as high as eighty thousand, and to none less than fifty thousand, and was growing with a rapidity which by the time

the admission could be consummated would secure a population of over a hundred thousand. These representations prove to have been wholly fallacious, and in addition, the people of the Territory, by a deliberate vote, decided that they would not assume the responsibilities of a State government. By that decision they utterly exhausted all power that was conferred by the enabling act, and there has been no step taken since in relation to the admission that has had the slightest sanction or warrant of law.

The proceeding upon which the present application is based was in the utter absence of all law in relation to it, and there is no evidence that the votes on the question of the formation of a State government bear any relation whatever to the sentiment of the Territory. The protest of the house of representatives previously quoted is conclusive evidence to the contrary.

But if none of these reasons existed against this proposed enactment, the bill itself, besides being inconsistent in its provisions in conferring power upon a person unknown to the laws, and who may never have a legal existence, is so framed as to render its execution almost impossible. It is, indeed, a question whether it is not in itself a nullity. To say the least, it is of exceedingly doubtful propriety to confer the power proposed in the bill upon the "governor elect;" for, as by its own terms the constitution is not to take effect until after the admission of the State, he in the mean time has no more authority than any other private citizen. But, even supposing him to be clothed with sufficient authority to convene the legislature, what constitutes the "State legislature" to which is to be referred the question of submission to the conditions imposed by Congress? Is it a new body to be elected and convened by proclamation of the "governor elect," or is it that body which met more than a year ago under the provisions of the State constitution? By reference to the second section of the schedule, and to the eighteenth section of the fourth article of the State constitution, it will be seen that the term of the members of the House of Representatives, and that of one-half of the members of the Senate, expired on the first Monday of the present month. It is clear that, if there were no intrinsic objections to the bill itself in relation to the purposes to be accomplished, this objection would be fatal; as it is apparent that the provisions of the third section of the bill to admit Colorado have reference to a period and a state of facts entirely different from the present, and affairs as they now exist, and if carried into effect must necessarily lead to confusion.

Even if it were settled that the old, and not a new body were to act, it would be found impracticable to execute the law, because a considerable number of the members, as I am informed, have ceased to be residents of the Territory, and in the sixty days within which the legislature is to be convened after the passage of the act, there would not be sufficient time to fill the vacancies by new elections, were there any authority under which they could be held.

It may not be improper to add that if these proceedings were all regular, and the result to be attained were desirable, simple justice to the people of the Territory would require a longer period than sixty days within which to obtain action on the conditions proposed by the third section of the bill. There are, as is well known, large portions of the Territory with which there is and can be no general communication, there being several counties which, from November to May, can only be reached by persons travelling on foot, while with other regions of the Territory, occupied by a large portion of the population, there is very little more freedom of access. Thus, if this bill should become a law, it would be impracticable to obtain any expression of public sentiment in reference to its provisions, with a view to enlighten the legislature, if the old body were called together; and, of course, equally impracticable to procure the election of a new body. This defect might have been remedied by an extension of the time and a submission of the question to the people, with a fair opportunity to enable them to express their sentiments.

The admission of a new State has generally been regarded as an epoch in our history, marking the onward progress of the nation ; but, after the most careful and anxious inquiry on the subject, I cannot perceive that the proposed proceeding is in conformity with the policy which, from the origin of the government, has uniformly prevailed in the admission of new States. I therefore return the bill to the Senate without my signature.

ANDREW JOHNSON.

WASHINGTON, *January 28, 1867.*

THIRTY-NINTH CONGRESS OF THE UNITED STATES OF AMERICA,
AT THE SECOND SESSION,

Begun and held at the city of Washington, on Monday, the third day of December, one thousand eight hundred and sixty-six.

AN ACT to admit the State of Colorado into the Union.

Whereas, on the twenty-first day of March, anno Domini eighteen hundred and sixty-four, Congress passed an act to enable the people of Colorado to form a constitution and State government, and offered to admit said State, when so formed, into the Union upon compliance with certain conditions therein specified ; and whereas it appears by message of the President of the United States, dated January , eighteen hundred and sixty-six, that the said people have adopted a constitution, which upon due examination is found to conform to the provisions and comply with the conditions of said act, and to be republican in its form of government, and that they now ask for admission into the Union :

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the constitution and State government which the people of Colorado have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed ; and that the said State of Colorado shall be, and hereby is declared to be, one of the United States of America, and is hereby admitted into the Union upon an equal footing with the original States in all respects whatsoever.

SEC. 2. *And be it further enacted,* That the said State of Colorado shall be, and is hereby declared to be, entitled to all the rights, privileges, grants, and immunities, and to be subject to all the conditions and restrictions, of an act entitled "An act to enable the people of Colorado to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States," approved March 'twenty-first, eighteen hundred and sixty-four.

SEC. 3. *And be it further enacted,* That this act shall not take effect except upon the fundamental condition that within the State of Colorado there shall be no denial of the elective franchise, or any other rights, to any person by reason of race or color, excepting Indians not taxed ; and upon the further fundamental condition that the legislature elected under said State constitution, by a solemn public act, shall declare the assent of said State to the said fundamental condition, and shall transmit to the President of the United States an authentic copy of said act ; upon the receipt whereof the President, by proclamation, shall forthwith announce the fact, whereupon said fundamental condition shall be held as a part of the organic law of the State ; and thereupon, and without any further proceeding on the part of Congress, the admission of said State into the Union shall be considered as complete. Said State legislature shall be convened by

the governor elect of said State within sixty days after the passage of this act, to act upon the condition submitted herein.

SCHUYLER COLFAX,
Speaker of the House of Representatives.
LA FAYETTE S. FOSTER,
President of the Senate, pro tempore.

I certify that this act did originate in the Senate.

J. W. FORNEY, *Secretary.*

To the Senate of the United States :

I return to the Senate, in which house it originated, the bill which has passed both houses of Congress entitled "An act for the admission of the State of Colorado into the Union," with my objections to its becoming a law at this time.

First. From the best information which I have been able to obtain I do not consider the establishment of a State government at present necessary for the welfare of the people in Colorado. Under the existing territorial government all the rights, privileges, and interests of the citizens are protected and secured. The qualified voters choose their own legislators, and their own local officers, and are represented in Congress by a delegate of their own selection. They make and execute their own municipal laws, subject only to revision by Congress, an authority not likely to be exercised unless in extreme or extraordinary cases. The population is small, some estimating it so low as twenty-five thousand, while advocates of the bill reckon the number at from thirty-five thousand to forty thousand souls. The people are principally recent settlers, many of whom are understood to be ready for removal to other mining districts, beyond the limits of the Territory, if circumstances shall render them more inviting. Such a population cannot but find relief from excessive taxation if the territorial system, which devolves the expenses of the executive, legislative, and judicial departments upon the United States, is for the present continued. They cannot but find the security of person and property increased by their reliance upon the national executive power for the maintenance of law and order against the disturbances necessarily incident to all newly organized communities.

Second. It is not satisfactorily established that a majority of the citizens of Colorado desire or are prepared for an exchange of a territorial for a State government. In September, 1864, under the authority of Congress, an election was lawfully appointed and held for the purpose of ascertaining the views of the people upon this particular question. Six thousand one hundred and ninety-two votes were cast, and of this number a majority of 3,152 was given against the proposed change. In September, 1865, without any legal authority, the question was again presented to the people of the Territory with the view of obtaining a reconsideration of the result of the election held in compliance with the act of Congress approved March 21, 1864. At this second election 5,905 votes were polled, and a majority of 155 was given in favor of a State organization. It does not seem to me entirely safe to receive this last-mentioned result, so irregularly obtained, as sufficient to outweigh the one which had been legally obtained in the first election. Regularity and conformity to law are essential to the preservation of order and stable government, and should, as far as practicable, always be observed in the formation of new States.

Third. The admission of Colorado at this time as a State into the federal

Union appears to me to be incompatible with the public interests of the country. While it is desirable that Territories, when sufficiently matured, should be organized as States, yet the spirit of the Constitution seems to require that there should be an approximation towards equality among the several States comprising the Union. No State can have less or more than two senators in Congress. The largest State has a population of four millions, several of the States have a population exceeding two millions, and many others have a population exceeding one million. A population of 127,000 is the ratio of apportionment of representatives among the several States. If this bill should become a law, the people of Colorado, thirty thousand in number, would have in the House of Representatives one member, while New York, with a population of four millions, has but thirty-one. Colorado would have in the electoral college three votes, while New York has only thirty-three. Colorado would have in the Senate two votes, while New York has no more.

Inequalities of this character have already occurred, but it is believed that none have happened where the inequality was so great. When such inequality has been allowed, Congress is supposed to have permitted it on the ground of some high public necessity, and under circumstances which promised that it would rapidly disappear through the growth and development of the newly admitted State. Thus, in regard to the several States in what was formerly called the "Northwest Territory," lying east of the Mississippi, their rapid advancement in population rendered it certain that States admitted with only one or two representatives in Congress would in a very short period be entitled to a great increase of representation. So, when California was admitted on the ground of commercial and political exigencies, it was well foreseen that that State was destined rapidly to become a great, prosperous, and important mining and commercial community. In the case of Colorado I am not aware that any national exigency, either of a political or commercial nature, requires a departure from the law of equality which has been so generally adhered to in our history.

If information submitted in connection with this bill is reliable, Colorado, instead of increasing, has declined in population. At an election for members of a territorial legislature held in 1861 10,580 votes were cast. At the election before mentioned, in 1864, the number of votes cast was 6,192; while at the irregular election held in 1865, which is assumed as a basis for legislative action at this time, the aggregate of votes was 5,905. Sincerely anxious for the welfare and prosperity of every Territory and State, as well as for the prosperity and welfare of the whole Union, I regret this apparent decline of population in Colorado, but it is manifest that it is due to emigration which is going on from that Territory into other regions within the United States, which either are in fact, or are believed by the inhabitants of Colorado to be, richer in mineral wealth and agricultural resources. If, however, Colorado has not really declined in population, another census or another election, under the authority of Congress, would place the question beyond doubt, and cause but little delay in the ultimate admission of the Territory as a State, if desired by the people.

The tenor of these objections furnishes the reply which may be expected to an argument in favor of the measure derived from the enabling act which was passed by Congress on the 21st day of March, 1864. Although Congress then supposed that the condition of the Territory was such as to warrant its admission as a State, the result of two years' experience shows that every reason which existed for the institution of a territorial instead of a State government in Colorado, at its first organization, still continues in force.

The condition of the Union at the present moment is calculated to inspire caution in regard to the admission of new States. Eleven of the old States have been for some time, and still remain, unrepresented in Congress. It is a common interest of all the States, as well those represented as those unrepresented, that

the integrity and harmony of the Union should be restored as completely as possible, so that all those who are expected to bear the burdens of the federal government shall be consulted concerning the admission of new States, and that in the mean time no new State shall be prematurely and unnecessarily admitted to a premature in the political power which the federal government wields, not for the benefit of any individual State or section, but for the common safety, welfare, and happiness of the whole country.

ANDREW JOHNSON.

WASHINGTON, D. C., *May* 15, 1866.

WASHINGTON, D. C., *January* 24, 1867.

SIR : I have the honor to forward herewith two papers, namely :

First, (marked A.) A preamble and resolution of the House of Representatives of Colorado, adopted on the 8th instant, on the subject of the admission of Colorado as a State into the Union.

Second, (marked B.) A paper on the same subject, being a resolution adopted on the 10th instant, *protesting* against the admission of Colorado into the Union as a State, without first having the question submitted to the people of the Territory to be voted upon.

This last action was taken with a view to make the expression of the house more emphatic than the previous one.

These papers are forwarded in obedience to resolutions of the house.

I am, respectfully, your obedient servant,

ALEXANDER CUMMINGS,

Governor Colorado Territory.

His Excellency the PRESIDENT.

A.

Whereas, in the month of August, A. D. 1865, a convention, composed of delegates selected at meetings of citizens informally held in various parts of this Territory, did frame a constitution and provide that the same should be submitted to a vote of the people on the first Tuesday in September, A. D. 1865, with a view to obtain for this Territory admission into the Union as a State;

And whereas, at the election held as provided by said convention, it appears that the said constitution was adopted by a majority of 155 votes, but said election having been held without warrant or authority of law, and without the usual safeguards designed for protecting the ballot-box, there is reason to believe that a full and fair expression of the will of the people was not then obtained;

And whereas members of the legislative assembly of the proposed State of Colorado were elected on the second Tuesday of November, A. D. 1865, and under the provisions of the said constitution the official term of the members of the house of representatives, and of one-half of the senators, will expire on the first of January, A. D. 1867, and there is no provision of law or in the said constitution authorizing the filling of the vacancies in the legislative assembly, which will occur as aforesaid: Therefore,

Be it resolved by the house of representatives of Colorado Territory, First. That the people of this Territory ought to have an opportunity to adopt or reject the said constitution at an election to be held under the protection of the law, before the final action of Congress thereon.

Second. That if the Territory shall be received by Congress as a State, with the said constitution, it is desirable and necessary that provision shall be made previously to such admission for a legislative assembly of the new State.

Third. That our delegate be, and he is hereby, instructed to ask of Congress such appropriate legislation as will secure to the people the right herein referred to.

Fourth. That copies of these resolutions shall be transmitted to the President, the presiding officers of the Senate and of the House of Representatives, the chairman of the Committee on Territories, and our delegate in Congress.

EDWARD L. BERTHOUD,
Speaker of the House of Representatives.

We, the undersigned, committee on enrolment, hereby certify that we have examined the enrolment of the within resolution, and find the same correctly enrolled.

R. W. DAVIS, *Chairman.*

I certify that the within resolution originated in the house of representatives of Colorado Territory at its sixth session, held at Golden City, December, A. D. 1866, and January, A. D. 1867.

C. J. McDIVITT, *Clerk of House.*

B.

Whereas it is announced in the public prints that it is the intention of Congress to admit Colorado as a State into the Union : Therefore,

Resolved by the house of representatives of this Territory, That, representing as we do the last and only legal expression of public opinion on this question, we earnestly protest against the passage of a law admitting the State, without first having the question submitted to a vote of the people, for the reasons :

First. That we have a right to a voice in the selection of the character of our government.

Second. That we have not a sufficient population to support the expenses of a State government. For these reasons we trust Congress will not force upon us a government against our will. That the governor be requested to forward copy of these resolutions to the authorities at Washington.

EDWARD L. BERTHOUD,
Speaker of the House of Representatives.

I certify that I have examined the enrolment of the within resolution, and find the same correctly enrolled.

R. W. DAVIS,
Chairman of House Enrolling Committee.

I certify that the within resolution originated in the house of representatives of Colorado Territory at its sixth session, held at Golden City, December, 1866, and January, 1867.

C. J. McDEVITT, *Clerk of House.*

C.

EXECUTIVE DEPARTMENT, COLORADO TERRITORY,

Golden City, January 4, 1867.

SIR: I have the honor to transmit the census of the Territory of Colorado, taken under the provisions of the act of the legislative assembly, approved February 9, 1866.

Official returns have been received from fifteen counties, as follows :

Arapahoe.....	4, 145
Boulder.....	1, 456
Conejos.....	2, 269
Costilla.....	2, 192
Douglas.....	452
El Paso.....	565
Frémont.....	508
Gilpin.....	6, 847
Jefferson.....	1, 782
Laramie.....	578
Las Animas.....	935
Pueblo.....	890
Park.....	532
Summit.....	456
Weld.....	1, 192
Making.....	<u>24, 909</u>

No returns have, as yet, been received from the three remaining counties, enumerated below. Their population has been estimated by their representatives in the legislative assembly, and by disinterested individuals residing in these counties, as follows :

Clear Creek.....	1, 500
Huerfano.....	1, 000
Lake.....	500
Making.....	<u>3, 000</u>

RECAPITULATION.

Official returns of fifteen counties.....	24, 909
Estimated returns of three counties.....	3, 000
Total population.....	<u>27, 909</u>

Very respectfully, your obedient servant,

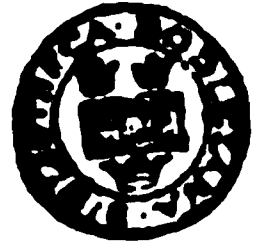
ALEXANDER CUMMINGS,

Governor of the Territory of Colorado.

Hon. WILLIAM H. SEWARD,

Secretary of State.





MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In compliance with a resolution of the Senate of the 21st instant, correspondence between the Department of State and Mr. Motley, envoy extraordinary and minister plenipotentiary at Vienna, relating to his reported resignation.

JANUARY 29, 1867.—Read, ordered to lie on the table and be printed.

To the Senate of the United States :

I transmit to the Senate, in answer to their resolution of the 21st instant, a report from the Secretary of State, with accompanying papers.

ANDREW JOHNSON.

WASHINGTON, *January 23, 1867.*

DEPARTMENT OF STATE,
Washington, January 23, 1867.

The Secretary of State, to whom was referred the resolution of the Senate of the 21st instant, requesting the President to communicate to that body, "if, in his opinion, not inconsistent with the public interests, any correspondence between the Department of State and Mr. Motley, envoy extraordinary and minister plenipotentiary at Vienna, relating to his reported resignation of this post," has the honor to communicate to the President a copy of the correspondence referred to.

WILLIAM H. SEWARD.

The PRESIDENT.

Mr. Seward to Mr. Motley.

DEPARTMENT OF STATE,
Washington, November 21, 1866.

SIR : A citizen of the United States has addressed a letter to the President from Paris, in which he represents that he had travelled extensively in Europe during the last year, in the course of which he had had occasion to see something of our ministers and consuls in various countries; that most of those whom he met were bitterly hostile to the President and his administration, and expressed that hostility in so open a manner as to astonish Americans, and to leave a very bad impression on Europeans. He adds that you do not pretend to conceal "your disgust," as he says you style it, at the President's whole conduct, that

you despise American democracy, and loudly proclaim that an English gentleman is the model of human perfection; that the President has deserted his pledges and principles in common with Mr. Seward, who, you say, is hopelessly degraded.

Your denial or confirmation of the truth of these reports is requested.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

J. LOTHROP MOTLEY, Esq.

Mr. Motley to Mr. Seward.

LEGATION OF THE UNITED STATES,

Vienna, December 11, 1866.

SIR: An hour or two ago I received a letter from you dated November 21, 1866, to which I hasten to reply. You inform me that a citizen of the United States has addressed a letter to the President from Paris, stating that in the course of the last year "he had had occasion to see something of our ministers and consuls in various countries; that most of those whom he met were bitterly hostile to the President and his administration, and expressed that hostility in so open a manner as to astonish Americans, and to leave a very bad impression on Europeans."

With this opening paragraph, relating generally to United States ministers and consuls abroad, I have nothing especial to do. Other gentlemen are fully competent to answer for themselves. You proceed to say, "he adds that you do not pretend to conceal your 'disgust,' as he says you style it, at the President's whole conduct; that you despise American democracy, and loudly proclaim that an English gentleman is the model of human perfection; that the President has deserted his pledges and principles in common with Mr. Seward, who, you say, is hopelessly degraded."

You conclude by requesting me to deny or confirm the truth of these reports.

My first impulse, on reading the letter, was to content myself with a flat denial of their truth. On a little further reflection, however, I do not wish that there should be doubt as to my political sentiments. As a representative of the foreign policy of the government, I have done my best faithfully to discharge my duties in strict conformity with my instructions. In the conflict of opinions in regard to home questions, especially that of reconstruction, my views have never been asked for by the United States government, and I should have considered it unbecoming and superfluous to volunteer a public declaration of them. As certainly should I have deemed it my duty to express them frankly whenever they were officially demanded. I do not understand that I am even now directly questioned on the subject, but, after reading your letter, I owe it to myself to say a few words.

I have always believed it necessary that strong guarantees should be taken against a recurrence of the rebellion, and the re-establishment of some form of slavery, before the seceded States should be readmitted to representation in Congress. Latterly, I have inclined to the opinion that the noblest and the safest course would be by amendment of the Constitution prohibiting distinction of race or color in regard to the attainment of the franchise, together with a general amnesty to be pronounced by the President.

These opinions, in the privacy of my own household and to occasional American visitors, I have not concealed. The great question now presenting itself for solution, demands the conscientious scrutiny of every American who loves his

country and believes in the human progress of which that country is one of the foremost representatives. I have never thought, during my residence at Vienna, that because I have the honor of being a public servant of the American people I am deprived of the right of discussing within my own walls the gravest subjects that can interest freemen. A minister of the United States does not cease to be a citizen of the United States, as deeply interested as others in all that affects the welfare of his country.

In conversations with such of my colleagues or members of the government here as were interested in our politics, I have uniformly stated that the conflict of opinions now prevailing in the United States was inevitable in a free country; that such discussions were the very evidence of our freedom and of our capacity to govern ourselves; that to silence discussion belonged to despots, not to a republican government like ours; and that I had entire faith that the American people would ultimately settle all disputed questions with justice.

I have always been cautious, however, in such conversations to avoid any expressions of disrespect towards the President or his cabinet. I have uniformly stated that in our country the people were not only theoretically, but practically sovereign, and that when great political questions were to be solved appeal was made to the ballot-box. I have steadily expressed the opinion that President and Congress would be reconciled after the people should have pronounced its solemn verdict; and I have added that all parties in the United States, as I believed, honestly desired and required the re-establishment of the Union, however they might differ as to the wisest means of securing it.

This is the way in which I have been in the habit of speaking, officially or semi-officially, and this is my reply to the charges contained in your letter, so far as they regard in any way the President of the United States.

That "I despise American democracy, and loudly proclaim that an English gentleman is the model of human perfection" is so pitiful a fabrication that I blush while I denounce it. Any one personally acquainted with me, or who has taken the trouble to read my writings, whether official or historical, knows that a more fervent believer in American democracy than I am does not exist in the world. My expressions of reverence for the American people during these five heroic years have erred, if at all, on the side of enthusiasm, and have often seemed to the skeptical somewhat extravagant.

I scorn to dwell longer on the contemptible charge.

That I have called "Mr. Seward hopelessly degraded" is a vile calumny, and it wounds me deeply that you could listen for a moment to such a falsehood.

In conclusion, I have only to add that, I beg herewith respectfully to resign my post as United States minister at Vienna.

I am, sir, your obedient servant,

J. LOTHROP MOTLEY.

Hon. W. H. SEWARD, *Secretary of State.*

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

RETURNING

*The bill (S. 456) for the admission of the State of Nebraska into the Union,
with his objections thereto.*

JANUARY 30, 1867.—Read, ordered to lie on the table, and be printed.

To the Senate of the United States :

I return, for reconsideration, a bill entitled "An act for the admission of the State of Nebraska into the Union," which originated in the Senate, and has received the assent of both Houses of Congress. A bill having in view the same object was presented for my approval a few hours prior to the adjournment of the last session; but, submitted at a time when there was no opportunity for a proper consideration of the subject, I withheld my signature, and the measure failed to become a law.

It appears, by the preamble of this bill, that the people of Nebraska, availing themselves of the authority conferred upon them by the act passed on the 19th day of April, 1864, "have adopted a constitution which, upon due examination, is found to conform to the provisions and comply with the conditions of said act, and to be republican in its form of government, and that they now ask for admission into the Union." This proposed law would, therefore, seem to be based upon the declaration contained in the enabling act, that, upon compliance with its terms, the people of Nebraska should be admitted into the Union upon an equal footing with the original States. Reference to the bill, however, shows that while, by the first section, Congress distinctly accepts, ratifies, and confirms the constitution and State government which the people of the Territory have formed for themselves, declares Nebraska to be one of the United States of America, and admits her into the Union upon an equal footing with the original States in all respects whatsoever, the third section provides that this measure "shall not take effect except upon the fundamental condition that within the State of Nebraska there shall be no denial of the elective franchise, or of any other right, to any person, by reason of race or color, excepting Indians not taxed; and upon the further fundamental condition that the legislature of said State, by a solemn public act, shall declare the assent of said State to the said fundamental condition, and shall transmit to the President of the United States an authentic copy of said act, upon receipt whereof the President, by proclamation, shall forthwith announce the fact, whereupon said fundamental condition shall be held as a part of the organic law of the State; and thereupon, and without any further proceeding on the part of Congress, the admission of said State into the Union shall be considered as complete." This

condition is not mentioned in the original enabling act; was not contemplated at the time of its passage; was not sought by the people themselves; has not heretofore been applied to the inhabitants of any State asking admission, and is in direct conflict with the constitution adopted by the people, and declared in the preamble "to be republican in its form of government," for in that instrument the exercise of the elective franchise, and the right to hold office, are expressly limited to white citizens of the United States. Congress thus undertakes to authorize and compel the legislature to change a constitution which it is declared in the preamble has received the sanction of the people, and which by this bill is "accepted, ratified, and confirmed" by the Congress of the nation.

The first and third sections of the bill exhibit yet further incongruity. By the one Nebraska is "admitted into the Union upon an equal footing with the original States, in all respects whatsoever," while by the other Congress demands, as a condition precedent to her admission, requirements which in our history have never been asked of any people when presenting a constitution and State government for the acceptance of the law-making power. It is expressly declared by the third section that the bill "shall not take effect except upon the fundamental condition that within the State of Nebraska there shall be no denial of the elective franchise, or of any other right, to any person by reason of race or color, except Indians not taxed." Neither more nor less than the assertion of the right of Congress to regulate the elective franchise of any State hereafter to be admitted, this condition is in clear violation of the federal Constitution, under the provisions of which, from the very foundation of the government, each State has been left free to determine for itself the qualifications necessary for the exercise of suffrage within its limits. Without precedent in our legislation, it is in marked contrast with those limitations which, imposed upon States that, from time to time, have become members of the Union, had for their object the single purpose of preventing any infringement of the Constitution of the country.

If Congress is satisfied that Nebraska, at the present time, possesses sufficient population to entitle her to full representation in the councils of the nation, and that her people desire an exchange of a territorial for a State government, good faith would seem to demand that she should be admitted without further requirements than those expressed in the enabling act, with all of which, it is asserted in the preamble, her inhabitants have complied. Congress may, under the Constitution, admit new States or reject them, but the people of a State can alone make or change their organic law, and prescribe the qualifications requisite for electors. Congress, however, in passing the bill in the shape in which it has been submitted for my approval, does not merely reject the application of the people of Nebraska for present admission as a State into the Union, on the ground that the constitution which they have submitted restricts the exercise of the elective franchise to the white population, but imposes conditions which, if accepted by the legislature, may, without the consent of the people, so change the organic law as to make electors of all persons within the State, without distinction of race or color. In view of this fact, I suggest for the consideration of Congress, whether it would not be just, expedient, and in accordance with the principles of our government, to allow the people, by popular vote, or through a convention chosen by themselves for that purpose, to declare whether or not they will accept the terms upon which it is now proposed to admit them into the Union. This course would not occasion much greater delay than that which the bill contemplates when it requires that the legislature shall be convened within thirty days after this measure shall have become a law, for the purpose of considering and deciding the conditions which it imposes, and gains additional force when we consider that the proceedings attending the formation of the State constitution were not in conformity with the provisions of the enabling act, that in an aggregate vote of 7,776, the ma-

majority in favor of the constitution did not exceed one hundred; and that it is alleged that, in consequence of frauds, even this result cannot be received as a fair expression of the wishes of the people. As upon them must fall the burdens of a State organization, it is but just that they should be permitted to determine for themselves a question which so materially affects their interests. Possessing a soil and a climate admirably adapted to those industrial pursuits which bring prosperity and greatness to a people, with the advantage of a central position on the great highway that will soon connect the Atlantic and Pacific States, Nebraska is rapidly gaining in numbers and wealth; and may, within a very brief period, claim admission on grounds which will challenge and secure universal assent. She can therefore wisely and patiently afford to wait. Her population is said to be steadily and even rapidly increasing, being now generally conceded as high as forty thousand, and estimated by some, whose judgment is entitled to respect, at a still greater number. At her present rate of growth, she will, in a very short time, have the requisite population for a representative in Congress, and, what is far more important to her own citizens, will have realized such an advance in material wealth as will enable the expenses of a State government to be borne without oppression to the tax-payer. Of new communities it may be said with special force—and it is true of old ones—that the inducement to emigrants, other things being equal, is in almost the precise ratio of the rate of taxation. The great States of the northwest owe their marvellous prosperity largely to the fact that they were continued as Territories until they had grown to be wealthy and populous communities.

ANDREW JOHNSON.

WASHINGTON, *January 29, 1867.*

THIRTY-NINTH CONGRESS OF THE UNITED STATES OF AMERICA,

AT THE SECOND SESSION, BEGUN AND HELD AT THE CITY OF WASHINGTON ON MONDAY, THE THIRD DAY OF DECEMBER, ONE THOUSAND EIGHT HUNDRED AND SIXTY-SIX.

AN ACT for the admission of the State of Nebraska into the Union.

Whereas, on the twenty-first day of March, anno Domini eighteen hundred and sixty-four, Congress passed an act to enable the people of Nebraska to form a constitution and State government, and offered to admit said State, when so formed, into the Union upon compliance with certain conditions therein specified; and whereas it appears that the said people have adopted a constitution which, upon due examination, is found to conform to the provisions and comply with the conditions of said act, and to be republican in its form of government, and that they now ask for admission into the Union: Therefore—

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the constitution and State government which the people of Nebraska have formed for themselves be, and the same is hereby, accepted, ratified, and confirmed, and that the said State of Nebraska shall be, and is hereby declared to be, one of the United States of America, and is hereby admitted into the Union upon an equal footing with the original States in all respects whatsoever.

SEC. 2. *And be it further enacted,* That the said State of Nebraska shall be, and is hereby declared to be, entitled to all the rights, privileges, grants, and immunities, and to be subject to all the conditions and restrictions of an act entitled “An act to enable the people of Nebraska to form a constitution and State government, and for the admission of such State into the Union on an equal footing with the original States.

SEC. 3. *And be it further enacted*, That this act shall not take effect except upon the fundamental condition that within the State of Nebraska there shall be no denial of the elective franchise, or of any other right, to any person by reason of race or color, (except Indians not taxed;) and upon the further fundamental condition that the legislature of said State, by a solemn public act, shall declare the assent of said State to the said fundamental condition, and shall transmit to the President of the United States an authentic copy of said act. Upon receipt whereof the President, by proclamation, shall forthwith announce the fact, whereupon said fundamental condition shall be held as a part of the organic law of the State; and thereupon, and without any further proceeding on the part of Congress, the admission of said State into the Union shall be considered as complete. Said State legislature shall be convened by the territorial governor within thirty days after the passage of this act, to act upon the condition submitted herein.

SCHUYLER COLFAX,
Speaker of the House of Representatives.
LA FAYETTE S. FOSTER,
President of the Senate pro tempore.

I certify that this act did originate in the Senate.

J. W. FORNEY, *Secretary.*

MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES,
COMMUNICATING,

In compliance with a resolution of the Senate of the 7th instant, correspondence upon the subject of emigration of citizens of the United States to the dominions of the Sublime Porte, for the purpose of settling and acquiring landed property there.

JANUARY 30, 1867.—Read, ordered to lie on the table and be printed.

To the Senate of the United States :

I transmit herewith a report from the Secretary of State, with accompanying papers, in answer to the Senate's resolution of the 7th instant.

ANDREW JOHNSON.

WASHINGTON, *January 28, 1867.*

DEPARTMENT OF STATE,

Washington, January 25, 1867.

The Secretary of State, to whom was referred the resolution of the Senate of the 7th instant, requesting the President to communicate to that body "a copy of any official correspondence which may have taken place upon the subject of an alleged recent emigration of citizens of the United States to the dominions of the Sublime Porte, for the purpose of settling and acquiring landed property there," has the honor to lay before the President the papers specified in the accompanying list.

WILLIAM H. SEWARD.

The PRESIDENT.

List of papers.

Mr. Beauboucher to Mr. Seward, October 2, 1866.

Same to same, October 23, 1866.

Mr. Morris to Mr. Seward, November 30, 1866.

Mr. Beauboucher to Mr. Seward, December 2, 1866.

Same to same, December 2, 1866.

Mr. Adams to Mr. Seward, December 7, 1866.

Mr. Morris to Mr. Seward, December 12, 1866.

Mr. Adams to Mr. Seward, December 24, 1866.

Mr. Seward to Mr. Morris, January 2, 1867.

Same to same, January 14, 1867.

Mr. Beauboucher to Mr. Seward.

[Extract.]

UNITED STATES CONSULATE AT JERUSALEM,

October 2, 1866.

SIR: I have the honor to announce to you the arrival of an American colony at Jaffa on the 22d of September, coming from Maine. It must have addressed to you several petitions upon the subject of its departure several months ago. The debarcation took place without any difficulties from the port of the local government, with which I am on the best possible terms, and I hope to be able for the future to preserve the good relations, which have not been disturbed by the arrival of this colony. * * * * *

I have the honor to be, sir, with the deepest respect, your very obedient servant,

VICTOR BEAUBOUCHER,

U. S. Consul.

Hon. W. H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Beauboucher to Mr. Seward.

[Extract.]

CONSULATE OF THE U. S. OF AMERICA AT JERUSALEM,

Jerusalem, October 23, 1866.

SIR: * * * * * the arrival of 160 Americans at Jaffa, who have an intention of establishing themselves there, (a nominative list is added.) The growing affluence of our travellers may sometimes absolutely require my momentary absence, either for Jaffa or any other place where an inquest will have to be made. It is necessary that in such a case of absence I should leave here a representative. * * * * *

I have the honor to remain, sir, with the deepest respect, your very obedient servant,

VICTOR BEAUBOUCHER,

U. S. Consul.

Hon. W. H. SEWARD,

Secretary of State, Washington, D. C.

List of Americans at Jaffa on the 22d September, 1866, with an intention of establishing themselves there.

George Washington (Joshua) Adams, president of the Palestine Emigration Association and president of the Church of the Messiah, age 53 years, born in New Jersey; Mrs. L. F. L. Adams, age 39 years, born in Maine; Clarence Augustine Adams, age 11 years, born in Maine; S. L. Wass, bishop of the church at Addison and Jonesport, age 49 years, born at Addison, in Maine; Mrs. S. A. Wass, age 39 years, born at Addison, in Maine; Carry C. Wass, 14; Hattie A. Wass, 6; John A. Drisko, elder, 32; Mrs. Charlotte Drisko, 26; Andrew Tabbut, elder, 36; Mrs. Phebe Tabbut, 32; Ernest A. Tabbut, 10; Norman Tabbut, 8; Geneora Tabbut, 6; Anna Tabbut, 4; Leon A. Tabbut, 1; Captain Ackley Norton, 38; Mrs. A. Norton, 37; Alice B. Norton, 18; Esther C. Nor-

ton, 14; Druvilla S. Ward, 21; George A. Drisko, 35; Lizzie E. Drisko, 32; Julia E. Drisko, 11; John Burns, 66; Lucy W. Burns, 66; James E. Burns, 26; Charles E. Burns, 18; B. B. Leighton, 54; Mary W. Leighton, 49; Eli A. Leighton, 25; Francis N. Leighton, 20; Mary S. Leighton, 18; Uriah W. Leighton, 36; Abitha A. Leighton, 36; Eugene Norton, 8; Loveatus Norton, 5; Lewella Norton, 3; Oliver A. Ward, 46; Melville Ward, 17; Ellenca E. Emerson, 5; Samuel P. Kelley, 61; B. Belindo Kelley, 56; Moses W. Leighton, 49; Nancy S. Leighton, 30; Melville B. Leighton, 14; Seward W. Gray, 32; Mary M. Gray, 36; Mary L. Gray, 8; Frank I. Gray, 1; Eugene W. Gray, 13; Daniel W. Emerson, 29; Robert F. Emerson, 23; Josiah M. Gray, 16; Rolla Floyd, 36; Theodosia Floyd, 42; Everett M. Floyd, 1; William H. Lynch, 40; Charlotte B. Lynch, 23; Faranes Lynch, 18; M. Louisa Lynch, 16; Idella W. Leighton, 12; Ralph I. Leighton, 7; Flora L. Leighton, 1; E. H. Emerson, 28; Rosa K. Emerson, 30; Velua McKenzie, 15; Elles B. McKenzie, 22; Mariella F. McKenzie, 20; Benjamin Rogers, 37; Lucy D. Rogers, 33; E. P. Rogers, 14; Thersia L. Rogers, 12; Bradford Rogers, 8; Arthur Rogers, 6; George Rogers, 2; Elizabeth A. Batson, 40; Everett W. Batson, 16; F. C. Batson, 11; A. L. Morton, 43; Phebe Norton, 39; George E. Norton, 16; Lucy A. Norton, 14; John A. Norton, 11; Rebecca Norton, 8; Daniel T. Norton, 6; Daniel T. Watts, 36; Anna Watts, 29; Joshua S. Walker, 38, Mary Walker, his mother, 63; Elias B. McKenzie, 55; Margaret E. McKenzie, 51; Ruth E. McKenzie, 27; Edwin B. McKenzie, 49; Orvin W. McKenzie, 17; John N. Watts, 6; Elvira K. Watts, 2; Sabirna K. Watts, 4; Ida May Watts, 5 months; Zebediah Alley, 33; Abigal B. Alley, 36; William Alley, 6.

From San Francisco, California, born in Addison, Maine, are: A. H. Wass, aged 42; E. S. Wass, 42; Clifton A. Wass, 6; Eliza Dyer, 65.

From Lebanon, Maine, are: Eliza Corson, aged 60; Annie Williams, 30; Orland H. Tibbets, 43; Lydia A. Tibbets, 43; Charles W. Tibbets, 20; Orville A. Tibbets, 3; Levi Mace, 46; Caroline Mace, 45; Caroline E. Mace, 16; Mary Mace, 14; Sara Mace, 10; Levi E. Mace, 12; Zekiel Mace, 7; Josiah B. Ames, 30; Martha Ames, 42; George Ames, 28.

From Rochester, New Hampshire, are: Limri Corson, aged 50; Dorothy Corson, 46; Evelina Corson, 15; Lydia A. Corson, 11; Charles M. Corson, 9; George W. Clark, 36; Ellen Clark, 34; Herbert Clark, 10; George B. Clark, 8; Leonard Corson, 14; Mary S. Clark, 7; Frank C. Clark, 5; Eugene G. Clark, 1; W. F. Clark, 22.

From Surrey, Maine, are: F. W. Witham, aged 31; E. H. Witham, 28; F. M. Witham, 7; Mark Wentworth, 34; A. R. Wentworth, 30; Fanny E. Wentworth, 5; Clinton Wentworth, 4; Mark D. Wentworth, 3; Silla Wentworth, 4 months; E. K. Higgins, M. D., 47; Helen E. Higgins, 35; George W. Higgins, 9; Lizzie B. Higgins, 7.

From York, Maine, are: J. B. Moulton, aged 36; A. M. Moulton, 30; Laurette Moulton, 4; Levi A. Moulton, 2.

From Boston, Massachusetts, are: Mayo G. Smith, aged 50; William B. Stevens, 23; Matilda Richardson, 50; Jane A. Flagg, music teacher, 36.

These form only passengers on board the Nellie Chapin. As a matter of history we also add the names and ages of the officers and crew of the ship Nellie Chapin: Captain Warren Wass, Me., 46; Porter E. Reynold, Addison, Me., second mate, 23; James W. Hinkly, Jonesport, Me., first mate, 28; Michael D. Lothin, steward, 20.

The seamen's names and ages are as follows: Henry L. Belmont, Charleston, South Carolina, 27; Thomas Chesterton, Jonesport, Me., 30; Ruben Hall, Jonesport, Me., 17; William Whitney, Hampden, Me., 23; Thomas Caunteton, a Norwegian, 18; James Woolfall, Liverpool, England, 20.

This comprises the whole number of persons on board the Nellie Chapin, making 168 in all.

A similar list has been sent by my care to our consul general at Constantinople.

VICTOR BEAUBOUCHER,
United States Consul.

JERUSALEM, *October 22, 1866.*

Mr. Morris to Mr. Seward.

No. 181.]

LEGATION OF UNITED STATES OF AMERICA,
Constantinople, November 30, 1866.

SIR: I have the honor to transmit enclosed a translation of a note of his Highness Aali Pacha relative to the recent arrival and settlement of a colony of American emigrants in Palestine, in the vicinity of Jaffa.

In the early part of the present year I received two communications; one from Hon. L. M. Morrill, of the United States Senate, and the other from Rev. Mr. Adams, the head of this colony, asking for a grant of land from the Sultan for its uses. The negative answer made by the minister of foreign affairs to the prayer of the applicants was transmitted to Mr. Morrill and Mr. Adams before the departure of the colonists from the United States, which I suppose it would have prevented.

The policy of the Turkish government does not favor the acquisition of real estate by foreigners, and the laws of the empire do not authorize the granting of fee-simple titles to foreigners. If the Porte were to give its consent to the establishment of the colony in question, it would sanction a violation of the standard policy and legislation of the empire, and would establish a precedent for the creation of similar settlements by subjects of other countries also. It is under the apprehension of the consequences of the establishment of the American colony in question that it deems it its duty to officially declare that it does not meet its consent.

The laws of the empire, I beg to add, are very liberal to that class of emigrants who propose to become subjects of the Sultan, conferring on them grants of land, and exempting them from taxes for a certain term of years.

I am, sir, very respectfully, your obedient servant,

E JOY MORRIS.

HON. WILLIAM H. SEWARD,
Secretary of State.

[Translation.]

SUBLIME PORTE, BUREAU OF FOREIGN AFFAIRS,
November 28, 1866.

SIR: The governor of Jerusalem has recently informed the Sublime Porte that some forty American families have arrived at Jaffa for the purpose of establishing a colony in that neighborhood.

It is unnecessary, sir, to remind you that the imperial government has always manifested an earnest desire to grant all possible facilities to strangers who resort to this empire as travellers, or for the purpose of engaging in industrial or commercial pursuits. But the object of the emigration of such a number of families at the same time is evidently with a view to the colonization of a part of the empire and to the acquisition of landed property. On the other hand, if such

a precedent should be admitted the proprietorship of the soil and the agriculture of one of the most important provinces of the empire would inevitably, to the great detriment of the native population, pass into the hands of the new colonies that would not fail to follow the first.

The imperial government, therefore, believes it to be its duty, in regard to the interests of the populations of the empire, to notify the legation of the United States that it cannot give its consent to the establishment of these families in Palestine.

AALI.

Mr. E. JOY MORRIS,
Minister of the United States.

Mr. Beauboucher to Mr. Seward.

[Extract.]

JERUSALEM, *December 2, 1866.*

SIR: Mr. G. Adams, who gives himself the title "president of the Church of the Messiah," and who has succeeded in bringing to Palestine forty-three families from Maine, of whom the greater part are already in the most frightful misery, gives himself out as the "intimate friend" of Mr. Seward, Secretary of State.

* * * * *

I am, sir, with deepest respect, your very obedient servant,
V. BEAUBOUCHER, *Consul.*

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Beauboucher to Mr. Seward.

[Extract.]

CONSULATE OF THE U. S. OF AMERICA AT JERUSALEM,
December 2, 1866.

SIR: * * * * *

I am going to proceed upon an inquest at Jaffa in regard to the newly arrived families, whose situation is most lamentable, and by whom numerous complaints have been addressed against the promoter, Mr. Adams.

The results of my investigation will be sent shortly.

I am, sir, with very great respect, your very obedient servant,
VICTOR BEAUBOUCHER, *Consul.*

HON. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Adams to Mr. Seward.

AMERICAN COLONY AT JAFFA,
Jaffa, December 7, 1866.

SIR: I have the honor to transmit you herewith a copy of our petition addressed to Mr. Beauboucher, United States consul at Jerusalem; and to be, with sentiments of highest consideration, your very obedient servant,

G. J. ADAMS,
President of the American Colony at Jaffa.

HON. WILLIAM H. SEWARD,
Secretary of State of the United States of America,
Washington, D. C.

JAFFA, November 30, 1866.

We, the undersigned, citizens of the United States of America, residing in and near Jaffa, Syria, most respectfully solicit and petition that Mr. Hermann Loewenthal may be removed from the office of the United States vice-consul in Jaffa, as we deem him utterly unfit to care for the interest of the American citizens, for the following reasons, viz:

1. For having received money of us to purchase a certain favorite plot of land, and having used said money for other purposes.

2. For having purchased lands for us that are of no benefit to us at present.

3. After having purchased our favorite plot, he charged us nearly double the price which he paid, and has never given an account of what he did pay, but we have had to learn it from other sources.

4. For having purchased for us a lot of old horses and an old mule at very low prices, and charging us in his bill an exorbitant price, with the addition of ten per cent. commission on the entire sums, which he charged in the bill for horses and mules.

5. For having hired houses for us at a low rent, and charging us twenty-five per cent. advance in addition to ten per cent. commission on the whole account.

6. For having sent us a poor quality of goods, and charging us a much higher price than he did other people.

7. For having been impudent, tyrannical, and insulting to a number of American citizens, and having charged us unjust fees and oppressed and cheated us in various ways.

For these and many other reasons, and from the fact that he is not an American and does not use his influence to promote the welfare of the American colony recently established here, we therefore earnestly pray for his removal at the earliest moment, and for the appointment of Mark F. Wentworth, esq., as a suitable person to fill this office, and we have no doubt that he would give universal satisfaction.

G. J. Adams, C. K. Fleggins, M. T. Wentworth, James E. Burns, George A. Drisco, Andrew Tabbutt, F. W. William, Uriah W. Leighton, D. J. Watto, D. W. Emerson, Ackley Norton, Zebediah Alley, Zimri Corson, O. A. Ward, Ellis B. McKenzie, George W. Ames, Orvin McKenzie, Clarence A. Adams, C. E. Burns, Rolla Floyd, Seward W. Gay, Wm. H. Lynch, J. M. Gray, A. L. Norton, Melville B. Ward, J. B. Moulton, E. B. McKenzie, jr., E. R. McKenzie, Joshua Walker, Leonard Corson, V. Lynch, S. L. Wass, A. H. Wass, J. A. Drisco, Edward R. Emerson, R. K. Rodgers, Isaiah B. Ames, S. P. Kelley, U. W. Leighton, Robert F. Emerson, Mrs. L. T. H. Adams, Mrs. L. C. Drisco, Mrs. C. E. Drisco, Mrs. D. Floyd, Mrs. M. Ames, Mrs. C. D. Rogers, Mrs. E. Clarson, Mrs. A. E. Williams, Mrs. A. Watts, Mrs. A. Alley, Mrs. D. Corson, Mrs. A. R. Wentworth, Mrs. P. W. Tabbutt, Mrs. A. Leighton, Mrs. C. Lynch, Mrs. B. Kelley, Mrs. A. Moulton, Mrs. N. Leighton, Mrs. E. Batson, Mrs. R. K. Emerson, Mrs. L. W. Burns, Mrs. Narcella McKenzie, Mrs. C. R. Witham.

H. V. BEAUBOUCHER, Esq.,

United States Consul at Jerusalem.

Mr. Morris to Mr. Seward.

No. 183.]

LEGATION OF UNITED STATES OF AMERICA,
Constantinople, December 12, 1866.

SIR: I have the honor to enclose a despatch and accompanying papers from the United States vice-consul at Jaffa, relative to the condition of the American colonists, whose arrival at that place was referred to, with the action of the Porte thereon, in a previous despatch.

I have suggested the sale of the effects of the colony for the purpose of creating a fund to defray the travelling expenses of its members back to America. Possibly the department may give the vice-consul special instructions applicable to the sad condition of these deceived people.

No country in the world presents so many objections to Christian colonization as the Turkish empire, from the insecurity of life and property, the inability to obtain fee-simple titles, and the violent animosities existing between the different races and religions. Fertile as the land may be in some sections, its cultivation is very expensive, from the want of a sufficient supply of labor, and the products yield an inadequate remuneration, in consequence of the absence of roads for communication with the large towns and the sea-coast. That Americans should leave their own promising country for this misgoverned, impoverished, and demi-savage land, where no man's life is safe beyond the walls of the towns, is indeed surprising, and can only be accounted for by that spirit of adventure inherent in the American character. The cruel deceptions of the colony at Jaffa, it is to be hoped, will serve as an admonitory lesson to all who are disposed to undertake a similar experiment.

I am, sir, very respectfully, your obedient servant,

E. JOY MORRIS.

HON. WM. H. SEWARD,
Secretary of State.

UNITED STATES VICE-CONSULATE,
Jaffa, December 1, 1866.

DEAR SIR: I have the honor to acknowledge your kind favor of the 7th of last month, and I take the liberty to communicate to you the enclosed extract of the list of the deceased Americans, and two copies of application, one for immediate assistance and relief to one of the families who arrived here with the Nellie Chapin, and the other applying for means to carry the same family of seven members back home to America.

These documents speak more than my time permits me, to-day, to tell you about the general misery among all the members of the so-named "American colony."

Please let me know if the consular regulations authorize me to give to these poor people the same help and assistance as to sick and destitute seamen. If a man-of-war on the way home from the Mediteranean could call at Jaffa to receive all such on board who are without means for existence and unable to pay for their homeward journey, I am sure the greater number would immediately return. This would be the greatest blessing to the poor and horribly deceived people. Mr. G. T. Adams, who deceived them, is without means to pay his debts to the men he brought with himself and who gave him all their property.

I remain, dear sir, very respectfully, yours,

HERMANN LOEWENTHAL.

HON. E. JOY MORRIS,
United States Minister Resident at Constantinople.

JAFFA, November 27, 1866.

To the honorable the Vice-consul of the United States at Jaffa, Syria :

The undersigned begs leave to call your attention to the situation of himself and family, consisting of a wife and five children. The children are three girls of the following ages: sixteen, fourteen and ten years, and two boys, aged twelve and seven years. And further prays for relief from your hands, by forwarding us to our native land.

I embarked my all in the colony expedition to this country upon representations made to me. Upon arrival I find none of them fulfilled, and am now in poverty, with no way to obtain a living; and, further, have been a cripple from the first few weeks out from my home. I see no way for me to reach my own sweet country but through your assistance, and nothing but starvation for us all if we remain here.

Hoping for a favorable consideration of this petition from your hands, I remain your most humble servant,

LEVI MACE.

HERMANN LOEWENTHAL, Esq.,
Vice-consul of the United States of America.

JAFFA, December 1, 1866.

For the correctness of the copy, I put my name and seal.

HERMANN LOEWENTHAL, [L. S.]
Vice-consul of the United States at Jaffa.

Names of all deceased American citizens, (members of the colony, who arrived at Jaffa, the 22d of September, by the *Nellie Chapin*,) together with the value of the personal effects belonging to them; given by H. Locicenthal, United States vice-consul at Jaffa, from October 3, to November 28, 1866, inclusive.

Ex. Doc. 101—2

No.	Names of the deceased.	His parents.	From what village or town.	Age.	Day of death.	Kind of sickness.	Value of effects, and disposition made thereof.
1	George Rogers	Son of Benjamin Rogers ..	Jonesport, Washington co., Me.	2 years	Oct. 2, 1866	Chronic inflammation of the bowels.	None.
2	J. A. Talbot	Son of Andrew Talbot ..	Addison, Washington co., Me.	1 year	Oct. 17, 1866	Erysipelas in the leg, &c., teething	Do.
3	J. Burns .....	.....do.....	.....do.....	66 years	Oct. 23, 1866	Debility of old age	Do.
4	Fraucis T. Gray	Son of Lew. W. Gray .....	.....do.....	1 year	Oct. 24, 1866	Inflammation of the bowels	Do.
5	Eugene Clark	Son of George W. Clark ..	Washington county, Me.	1 year 5 mos.	Oct. 28, 1866	Teething	Do.
6	George W. Clark .....	.....do.....	.....do.....	34 years	Oct. 27, 1866	.....	.....
7	Mary W. Leighton .....	.....	Addison, Washington co., Me.	50 years	Oct. 30, 1866	Paralysis	Do.
8	George B. Clark	Son of G. W. Clark	Washington county, Me.	8 years	Oct. 30, 1866	Scrofulous	Do.
9	Flora L. Leighton	Daughter of Uriah W. Leighton.	.....do.....	1 year 11 mos.	Nov. 5, 1866	Teething	Do.
10	Everett M. Floyd	Son of Rolla Floyd	Addison, Washington co., Me.	1 year 6 mos.	Nov. 7, 1866	Teething and diarrhoea	Do.
11	Elvira A. Watts .....	.....	Jonesport, Washington co., Me.	2 years 6 mos.	Nov. 17, 1866	Chronic diarrhoea	Do.
12	Mark D. E. Wins	Son of T. Wentworth	Washington county, Me.	2 years	Nov. 27, 1866	Inflammation on the brain	Do.
13	Mrs. Phebe P. Norton .....	.....do.....	.....do.....	42 years	Nov. 28, 1866	Phthisis pulmonalis	Do.

According to a list of the trustees, Messrs. Bishop, Warr, and G. J. Adams, besides a credit by Mr. Adams, the amount not settled, all remaining under the hands of the trustees.

JAFFA, *November 28, 1866.*

To the honorable the Vice-consul of the United States of America :

The undersigned, being in a state of *poverty* with his family, petitions for succor from your hands. Our wants are immediate, and we beg your earliest attention.

I am, most respectfully, your humble servant,

LEVI MACE.

HERMANN LOEWENTHAL,

United States Vice-consul.

JAFFA, *December 1, 1866.*

For the correctness of this copy I put my name and seal.

HERMANN LOEWENTHAL,
Vice-consul of the United States at Jaffa.

Mr. Adams to Mr. Seward.

AMERICAN COLONY AT JAFFA,

Jaffa, December 24, 1866.

SIR: I had the honor to send you the copy of a petition addressed to Mr. Beauboucher, United States consul in Palestine, for the removal of Mr. H. Lowenthal, United States vice-consul in Jaffa, enclosed with my despatch No. 1, 7th December, 1866, which I hope you received.

I have the honor now to transmit you the copy of the decision of Mr. Beauboucher against Mr. Loewenthal, which decision was only in relation to the American colony, as he says, because we have had to learn that Mr. Beauboucher had a perfect strange language before the governor of Jaffa and local authority in favor of the office of Mr. Loewenthal, than he did before the whole colony.

I shall transmit to you by and by a full report in relation to that question, signed by the colony.

I remain, honorable sir, with sentiments of highest consideration, your very obedient servant,

G. J. ADAMS,

President of the American Colony.

HON. WILLIAM H. SEWARD,

Secretary of the United States of America, Washington, D. C.

JAFFA, *December 22, 1866.*

SIR: As most of the colony has not understood well your last decision against Mr. Loewenthal, please be so kind as to send me a copy of the said last decision for the satisfaction of the whole colony, and much oblige,

Your very obedient servant,

G. J. ADAMS,

President of the American Colony.

H. V. BEAUBOUCHER, Esq.,

United States Consul in Palestine, Jaffa.

JAFFA, *December 22, 1866.*

SIR: This is a part of my decision:

"Mr. J. F. H. Loewenthal is suspended of his function as United States vice-consul in relation to the American party newly arrived, and a full report will be sent by my care for the State Department, according to my full decision."

Very respectfully, yours,

H. V. BEAUBOUCHER.

G. J. ADAMS, Esq.,

President of the Church of the Messiah, Jaffa.

Mr. Seward to Mr. Morris.

No. 128.]

DEPARTMENT OF STATE,

Washington, January 2, 1867.

SIR: I have the honor to acknowledge the receipt of your despatch of November 30, (No. 181,) with the paper thereunto annexed, which is a copy of a note which was addressed to you on the 28th of November from the bureau of foreign affairs of the Sublime Porte. In that communication the Sultan's government informs us that it cannot give its consent to the establishment of certain United States families which have taken up their residence in Palestine under circumstances which indicate, as the Turkish government supposes, a purpose to colonize a part of the empire, and to acquire landed property there. You are authorized to inform the imperial government that the proceeding thus mentioned has been brought to the attention of the President of the United States. The persons interested are understood to be some forty American families who lately proceeded from this country to the port of Jaffa. Notice of the proceeding which has been taken by the Sublime Porte will be communicated to them through the United States consulate at Jerusalem.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

E. JOY MORRIS, Esq., &c., &c., *Constantinople.*

Mr. Seward to Mr. Morris.

No. 130.]

DEPARTMENT OF STATE,

Washington, January 14, 1867.

SIR: I have received your despatch, No. 183, dated December 12, enclosing a despatch and accompanying papers from the United States vice-consul at Jaffa, relative to the condition of the American colonists whose arrival at that place was referred to, with the action of the Porte thereon, in a previous communication from you.

The condition of the unhappy people is indeed pitiable, and demands our sympathy. There is no law, however, which would authorize the consul at Jaffa to extend to them, on behalf of the government of the United States, the pecuniary relief for which they have applied to him.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

E. JOY MORRIS, Esq., &c., &c., *Constantinople.*

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LETTER

OF

THE SECRETARY OF THE TREASURY,

COMMUNICATING,

In compliance with a resolution of the Senate of the 4th of December, 1866, information in relation to the amount of money paid, or ordered to be paid, since the 18th day of May last, to the several newspapers printed and published in the District of Columbia, for advertising notices and proposals for each of the executive departments of the government, and the number and character of the advertisements for which said money was paid.

JANUARY 14, 1867.—Read and ordered to lie on the table.

JANUARY 30, 1867.—Ordered to be printed.

TREASURY DEPARTMENT, *January 11, 1867.*

SIR: On the 5th ultimo I had the honor to receive the following resolution, viz:

"Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the Senate what amount of money has been paid, or ordered to be paid, since the 18th day of May last, to the several newspapers printed and published in the District of Columbia, for advertising notices and proposals for each of the executive departments of the government; and that he further inform the Senate of the number and character of the advertisements for which said money was paid, and the name of every officer of the government who approved each of the bills for said advertisements, or directed the same to be paid. And, also, that he inform the Senate when, and in what manner, the extent of the circulation of the daily newspapers printed in the city of Washington, or elsewhere in the District of Columbia, was determined; and that he furnish copies of the sworn statements of the publishers of said newspapers in support of their claim to have the largest circulation."

On inquiry of the proper accounting officer I ascertained that the records of this department did not give the information sought in the resolution concerning the other executive departments for the period designated, because the accounts of which these advertisements are a part have not yet been settled. A letter (copy enclosed and marked A) was addressed by me to the heads of the other departments, and the replies thereto are submitted.

The "tabular statement" (enclosed and marked B) shows that the entire amount expended for advertising by this department, within the District of Columbia, from the 18th day of May until the 8th day of December, 1866, is \$594 61.

On the seventh day of June, 1866, a letter was addressed by me to all the publishers of "daily" newspapers in the city of Washington, calling their attention to the new law, and requesting the submission of sworn proofs of the extent of the circulation of their respective papers, in accordance with its provisions. Three affidavits (copies enclosed and marked C) were received,

2 ADVERTISING IN PAPERS IN DISTRICT OF COLUMBIA.

viz: From the "Star," "Chronicle," and "Intelligencer;" and, it appearing from the evidence that the first two had the largest circulation, they were notified of the fact, and the official advertisements of this department have since that time been inserted therein.

Very respectfully,

H. McCULLOCH,
Secretary of the Treasury.

HON. LA FAYETTE S. FOSTER,
President of the United States Senate.

A.

TREASURY DEPARTMENT, *December 5, 1866.*

SIR: Your attention is respectfully directed to a resolution (a copy of which is enclosed) adopted by the honorable Senate of the United States, directing the Secretary of the Treasury to state the amounts paid for advertising by the several executive departments to the several papers published in the District of Columbia, since the 18th day of May, 1866.

You will, if you deem it advisable to furnish the information through this department, cause it to be prepared as soon as practicable, so as to enable me to comply with the terms of the resolution.

Yours, very respectfully,

H. McCULLOCH,
Secretary of the Treasury.

HON. WM. H. SEWARD,
Secretary of State.

ADVERTISING IN PAPERS IN DISTRICT OF COLUMBIA.

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B.—Tabular statement showing the amounts paid by the Treasury Department for advertising in the several newspapers published in the District of Columbia since May 1st, 1866.

Name of newspaper.	Character of advertisement.	By whom ordered.	Date of advertisement.	Date of payment.	Amount.	Total.
<i>Chronicle, Washington, D. C.</i>	Notice of death of General Scott	By law.	May 31, 1866	Dec. 7, 1865	\$3 00	
Do do	Notice of death of General Grant	do	June 30, 1866	Dec. 7, 1865	5 50	
Do do	Proposals for stationery	do	June 1, 1866	Dec. 7, 1865	82 00	
Do do	Proposals for coal, wood, &c	do	June 18, 1866	Dec. 7, 1865	17 50	
Do do	do do	do	June 28, 1866	Dec. 7, 1865	35 00	
Do do	Notice relating to temporary loan	do	July, June, '66	Dec. 7, 1865	20 00	\$138 00
<i>Star, Washington, D. C.</i>	Proposals for wood, coal, &c	do	June 18, 1866	Sept. 12, 1865	18 50	
Do do	Proposals for stationery	do	Oct. 1, 1866	Oct. 24, 1865	40 23	
Do do	Notice of loan	do	Aug. 14, 1866	Sept. 14, 1865	7 89	
Do do	Proposals for light-vessels	do	Nov. 1, 1866	Nov. 20, 1865	9 00	50 61
<i>Republican, Washington, D. C.</i>	Notice of death of General Scott	Executive order.	May 30, 1866	June 14, 1865	...	
Do do	Quarterly reports of the Army	do	June 1, 1866	June 23, 1865	...	
Do do	Proposals for stationery	Comptroller of the Currency	May 31, 1866	Sept. 27, 1865	...	
<i>Intelligencer, Washington, D. C.</i>	Proposals for stationery	Assistant Secretary	June 1, 1866	July 12, 1865	32 00	
Do do	Proposals for coal, &c	do	June 18, 1866	June 23, 1865	4 50	
Do do	Proposals for light-vessels	do	June 26, 1866	July 19, 1865	4 50	
Do do	Proposals for light-vessels	do	June 1, 1866	June 23, 1865	8 73	
Do do	Certificates of Indebtedness	do	Aug. 14, 1866	Aug. 23, 1865	2 50	30 25
<i>Constitutional Union, Georgetown, D. C.</i>	Merchandise National Bank failure	Comptroller of the Currency	May 26, 1866	Aug. 6, 1865	45 00	
Do do	Proposals for small stores, &c	Assistant Secretary	May 27, 1866	May 27, 1865	5 00	
Do do	Proposals for North river flagging	do	May 27, 1866	June 31, 1865	30 00	
Do do	Proposals for sales and locks	do	May 31, 1866	June 30, 1865	42 00	122 00
<i>Times, Georgetown, D. C.</i>	Notice of temporary loan	Assistant Secretary	Aug. 14, 1865	Aug. 23, 1865	6 00	
Do do	Proposals for stone work	do	Nov. 17, 1865	Nov. 20, 1865	21 00	
Do do	Proposals for stationery	Commissioner of Internal Revenue	Oct. 1, 1865	Oct. 25, 1865	25 00	
Do do	Proposals for graves, &c	Assistant Secretary	Nov. 17, 1865	Nov. 30, 1865	18 00	
Do do	Proposals for light-vessel	do	Nov. 1, 1865	Nov. 20, 1865	21 25	85 25
Total amount expended.					604 61	

Since the 10th day of June, 1866, when the clause relating to advertisements took practical effect, the *Chronicle* and the *Star*, and no other paper published in Washington city, have been authorized to insert advertisements, or receive pay for the same.

Very respectfully,
J. FRED. MEYER, Clerk in Charge.

C.

Copies of affidavits.

WASHINGTON, D. C., *June 9, 1866.*

SIR: In accordance with your instructions of the 26th ultimo, to furnish to your department a sworn statement of the circulation of the "Chronicle" for three months, in compliance with the sixth section of the act making appropriations for the service of the Post Office Department, approved May 18, 1866, regulating the publications of advertisements in the city of Washington, emanating from the executive departments, I herewith submit the *true, bona fide paid* circulation of the "Daily Chronicle" for three months, ending May 31, 1866, which was four hundred and ninety-two thousand five hundred and fifty-two copies. This circulation was not, during the three months, increased by any gratuitous circulation, or by a reduction in price below the ordinary and usual price of such papers, or by any other means, for the purpose of obtaining the official advertising.

D. C. FORNEY,
Publisher Chronicle.

Hon. W. E. CHANDLER,
Assistant Secretary of the Treasury.

COUNTY OF WASHINGTON, *District of Columbia:*

On the 9th day of June, in the year of our Lord 1866, personally appeared before the subscriber, a justice of the peace in and for the county and District aforesaid, D. C. Forney, publisher of the "Daily Morning Chronicle," who makes oath on the Holy Evangely of Almighty God that the foregoing statement is true to the best of his knowledge and belief.

[SEAL.]

JAMES LAWRENSON,
Justice of the Peace.

WASHINGTON COUNTY, *District of Columbia:*

On the 9th day of June, in the year of our Lord 1866, personally appeared D. C. Forney, publisher of the "Daily Morning Chronicle," and made oath on the Holy Evangely of Almighty God, before me, the subscriber, a justice of the peace in and for said county and District, that the *bona fide paid* average circulation of the "Daily Chronicle" for three months, ending May 31, 1866, was five thousand three hundred and fifty-four (5,354) copies.

D. C. FORNEY,
Publisher Chronicle.

Sworn and subscribed before me this 9th day of June, 1866.

JOHN S. HOLLINGSHEAD,
Notary Public.

Detailed statement of the circulation of the Chronicle, furnished June 9, 1866.

Date.	Copies.	Date.	Copies.	Date.	Copies.
March 1.....	5,880	April 1.....	6,720	May 1.....	4,680
2.....	5,712	2.....	4,296	2.....	4,704
3.....	8,880	3.....	4,992	3.....	4,824
4.....	8,880	4.....	5,184	4.....	4,656
5.....	5,496	5.....	5,112	5.....	4,992
6.....	5,376	6.....	5,160	6.....	6,384
7.....	5,472	7.....	5,160	7.....	4,680
8.....	5,424	8.....	6,888	8.....	4,728
9.....	5,400	9.....	5,040	9.....	4,800
10.....	5,520	10.....	5,160	10.....	4,776
11.....	8,328	11.....	5,136	11.....	4,776
12.....	5,304	12.....	5,160	12.....	4,944
13.....	5,448	13.....	5,160	13.....	6,384
14.....	5,448	14.....	5,400	14.....	4,656
15.....	5,376	15.....	7,104	15.....	4,608
16.....	5,400	16.....	5,160	16.....	4,872
17.....	5,448	17.....	5,016	17.....	5,760
18.....	7,776	18.....	5,112	18.....	4,752
19.....	5,160	19.....	5,352	19.....	4,848
20.....	5,160	20.....	5,760	20.....	6,120
21.....	5,352	21.....	5,472	21.....	4,656
22.....	5,232	22.....	7,152	22.....	4,584
23.....	5,280	23.....	5,040	23.....	4,704
24.....	5,280	24.....	4,992	24.....	4,656
25.....	7,968	25.....	4,872	25.....	4,656
26.....	4,968	26.....	4,872	26.....	4,704
27.....	4,896	27.....	4,728	27.....	5,928
28.....	5,760	28.....	5,016	28.....	4,488
29.....	5,064	29.....	6,528	29.....	4,536
30.....	5,208	30.....	4,632	30.....	4,728
31.....	5,256			31.....	4,440
				Total	492,552

DISTRICT OF COLUMBIA, *County of Washington, to wit :*

Personally appeared before me, a justice of the peace in and for the District and county aforesaid, John Dice, who, being duly sworn, deposes and says, that he is the foreman and superintendent of the press-room of the Evening Star newspaper office, and that there has been printed a greater number of copies of the said daily and weekly Star newspaper, on each and every day within the three months immediately preceding the first of the current month, (June, 1866,) than is shown in the tabular statement hereto appended, which foots up an aggregate *bona fide* paid circulation of six hundred and nine thousand four hundred and eighty-four (609,484) copies of the daily edition, and five thousand five hundred and ninety-one (5,591) copies of the weekly edition.

JOHN DICE.

Sworn to and subscribed before me, this 9th day of June, A. D. 1866.

[SEAL]

J. W. BARNACLO, J. P.

DISTRICT OF COLUMBIA, *County of Washington, to wit :*

Personally appeared before me, a justice of the peace in and for the District and county aforesaid, Clarence B. Baker, who, being duly sworn, deposes and says, that he is the cashier and bookkeeper of the Evening Star newspaper office, and that the annexed schedule exhibits the *bona fide* paid circulation of

OFFICE OF THE NATIONAL INTELLIGENCER,

Washington, June 7, 1866.

SIR: Yours of June 7, wishing to know the circulation of the *Intelligencer* for the purpose of awarding the advertisements, is at hand, and we certify that the average circulation of the *Intelligencer* for the three months preceding the 1st of June, 1866, was: Daily edition 3,552, and the tri-weekly edition 3,840, making 7,392 copies, one day's circulation, or 32,832 copies for one week.

Very respectfully,

JOHN F. COYLE.

Hon. WILLIAM E. CHANDLER,

Assistant Secretary of the Treasury.

DISTRICT OF COLUMBIA, *County of Washington, ss:*

There appeared before me this 7th day of June, 1866, John F. Coyle, of the firm of Snow, Coyle & Co., of the above-mentioned *National Intelligencer*, published in the city and county of Washington, and made oath in due form of law, and deposed and said that the *bona fide* and *paid* circulation of the said *Intelligencer* of each regular issue, for three months immediately preceding the 1st day of June was as within stated; and further, that the said circulation has not during the said three months been increased by any gratuitous circulation, or by a reduction in price below the ordinary and usual price of such paper, or by any other means, for the purpose of obtaining the official advertisements.

JOHN F. COYLE.

Sworn and subscribed before me this 7th day of June, A. D. 1866.

_____, *Justice of the Peace.*

DEPARTMENT OF STATE,

Washington, December 13, 1866.

SIR: In reply to your communication of the 5th instant, inquiring what amounts have been paid for advertising by this department to the several papers published in the District of Columbia since the 18th of May, 1866, I have the honor to state there have been paid for advertising to the *Morning Chronicle*, \$1,396 50; to the *Evening Star*, \$965.; said payments having been made under the provisions of section 6 of chapter 85, being the act approved May 18, 1866.

I have the honor to be, sir, very respectfully, your obedient servant,

WILLIAM H. SEWARD.

Hon. HUGH McCULLOCH, *Secretary of the Treasury.*

DEPARTMENT OF THE INTERIOR,

Washington, D. C., December 12, 1866.

SIR: In compliance with the request contained in yours of the 5th instant, I have the honor to transmit herewith a tabular statement of all amounts paid by this department "since the 18th day of May last, to the several newspapers printed and published in the District of Columbia, for advertising notices and proposals."

This statement also exhibits the "number and character of the advertisements for which said money was paid, and the name of every officer of the government who approved each of the bills for said advertisements or directed the same to be paid."

I am, sir, very respectfully, your obedient servant,

O. H. BROWNING, *Secretary.*

Hon. HUGH McCULLOCH, *Secretary of the Treasury.*

ADVERTISING IN PAPERS IN DISTRICT OF COLUMBIA.

Date of payment.	Name of paper.	Character of advertisement.	By whom approved.	When advertised.	Amount.	Bureau.
1866.						
May 18	National Republican...	Proposals for ice.....	Commissioner of Pensions.....	Feb. 15, 1866.....	\$7 50	Pension.....
July 25	Daily Chronicle.....	Advertising land warrants.....	do.....	Nov. 15, 1865, to May 18, 1866.....	168 00	do.....
26	do.....	Proposals for stationery.....	do.....	June 1, 1866.....	136 00	do.....
Aug. 4	National Intelligencer...	Publishing list of lost warrants.....	do.....	April 1 to May 18, 1866.....	73 00	do.....
Sept. 11	National Republican...	do.....	do.....	March 5 to May 18, 1866.....	60 00	do.....
Nov. 20	Daily Times.....	Publishing applications for land warrants.....	do.....	Oct. 13 to Nov. 12, 1866.....	36 00	do.....
July 14	National Republican...	Proposals for stationery.....	Commissioner of Land Office.....	June 2, 1866.....	128 00	General Land Office.
Sept. 29	Daily Chronicle...	Public lands in Wisconsin.....	do.....	June 30, 1866.....	117 00	do.....
Nov. 14	Evening Star.....	do.....	do.....	Nov. 14, 1866.....	69 87	do.....
Oct. 20	Daily Chronicle...	Proposals for subsistence, &c.....	Commissioner of Indian Affairs.....	Aug. 25, 1866.....	150 00	Indian.....
20	Daily Times.....	Proposals for Indian goods.....	G. C. Whiting, acting chief clerk dept.....	Oct. 10, 1866.....	99 00	do.....
31	National Intelligencer...	Publishing Choctaw and Chickasaw commis- sions, proposals for Indian goods, &c.	Commissioner of Indian Affairs, Cooley.....	Aug. 3 to Oct. 6, 1866.....	197 75	do.....
31	Evening Star.....	Proposals for subsistence of Indians, Indian goods, &c.	do.....	Aug. 25, 1866.....	126 25	do.....
Nov. 11	Constitutional Union...	do.....	Commissioner of Indian Affairs, Bogy.....	Aug. 25, 1866.....	21 25	do.....
11	do.....	Proposals for Indian goods.....	do.....	Oct. 1, 1866.....	164 68	do.....
June 30	Evening Star.....	Proposals for ice, fuel, and stationery.....	Chief clerk Department of Interior.....	Feb. 15 to June 1, 1866.....	117 75	Secretary's office.....
July 13	National Intelligencer...	Proposals for fuel.....	do.....	June 2, 1866.....	22 00	do.....
26	Daily Chronicle...	do.....	do.....	June 1, 1866.....	20 00	do.....
Sept. 11	Constitutional Union...	Proposals for stationery.....	do.....	June 1, 1866.....	62 50	do.....
11	do.....	Proposals for fuel.....	do.....	June 1, 1866.....	15 00	do.....
May 24	Daily Chronicle.....	Petitions for extensions of patents.....	Commissioner of Patents.....	Feb. 6 to May 11, 1866.....	138 52	Patent.....
June 9	National Intelligencer...	do.....	do.....	May 7 to June 7, 1866.....	48 00	do.....
20	National Republican...	do.....	do.....	May 10 to June 11, 1866.....	48 00	do.....
July 13	National Intelligencer...	do.....	do.....	June 11 to June 13, 1866.....	72 00	do.....
13	do.....	Proposals for ice and stationery.....	do.....	Feb. 16 to June 2, 1866.....	131 88	do.....
27	National Republican...	Petitions for extensions of patents.....	do.....	June 20 to July 25, 1866.....	80 00	do.....
Aug. 2	Evening Star.....	do.....	do.....	June 21, 1866.....	27 38	do.....
2	Daily Chronicle...	do.....	do.....	May 36 to July 14, 1866.....	69 29	do.....
24	National Intelligencer...	do.....	do.....	July 14 to Aug. 12, 1866.....	64 00	do.....
31	National Republican...	do.....	do.....	Aug. 4 to Aug. 28, 1866.....	64 00	do.....
6	Daily Times.....	do.....	do.....	Aug. 8 to Aug. 27, 1866.....	56 00	do.....
17	do.....	do.....	do.....	Aug. 29, 1866.....	24 00	do.....
22	Daily Chronicle...	do.....	do.....	July 16 to Sept. 8, 1866.....	63 94	do.....
22	National Republican...	do.....	do.....	Sept. 5 to Sept. 19, 1866.....	24 00	do.....
Oct. 17	Evening Star.....	do.....	do.....	June 28 to Sept. 19, 1866.....	249 84	do.....
27	National Intelligencer...	do.....	do.....	Aug. 25 to Oct. 13, 1866.....	56 00	do.....
3	National Republican...	do.....	do.....	Oct. 9 to Oct. 31, 1866.....	24 00	do.....
10	Daily Times.....	do.....	do.....	Sept. 20 to Nov. 8, 1866.....	48 00	do.....

NAVY DEPARTMENT,

December 17, 1866.

SIR: I have the honor to transmit herewith the information called for in your letter of the 5th instant, relative to the advertising of this department in the District of Columbia, since the 18th day of May, 1866.

As the congressional call for information seems to have reference to action under a law approved on the 18th of May last, it is proper to call your attention to the fact that the act regulates advertising in the city of Washington only, and not in the District of Columbia, that by its express terms the circulation of the competing papers is to be "determined on the 10th day of June," and that it regulates only that class of advertising "*required by law* to be published in the city of Washington," the miscellaneous advertising being, as heretofore, at the discretion of the department. Under the head of "remarks" such information is given as seemed to be necessary to a correct understanding of the matter.

Very respectfully,

GIDEON WELLES,
Secretary of the Navy.

Hon. HUGH McCULLOCH,
Secretary of the Treasury.

Advertising for the Navy Department.

Date of order.	Name of paper.	Amount paid.	Character of advertisements.	Officer approving bills.	Remarks.
1866.			SECRETARY'S OFFICE.		
June 6	Chronicle	\$40 00	Proposals for stationery.....	Secretary of Navy.	Discretionary; does not come within the law.
Aug. 28	.....do.....	5 00	General Order. Death of Gen. Scott..	Acting Sec'y of Navy...	Do.....do.
Sept. 5	.....do.....	26 00	Board for examination of volunteer officers.	Secretary of Navy.....	Do.....do.
10	.....do.....	5 00	Notice to officers. Death of Commander Smith.	.....do.....	Do.....do.
June 19	Evening Star.....	20 00	General Order. Court-martial of Captain Price.	.....do.....	Do.....do.
May 30	.....do.....	4 00	General Order. Death of Gen. Scott..	.....do.....	Do.....do.
June 2	.....do.....	43 00	Proposals for stationery.	.....do.....	Do.....do.
Sept. 5	.....do.....	15 82	Board for examination of volunteer officers.	.....do.....	Do.....do.
10	.....do.....	1 88	Notice to officers. Death of Commander Smith.	.....do.....	Do.....do.
May 16	Republican	6 00	Notice of proposals received.....	.....do.....	Order given prior to June 10, when circulation was ascertained by law.
30	.....do.....	7 00	General Order. Death of Gen. Scott..	.....do.....	Discretionary; does not come within the law.
June 2	.....do.....	40 00	Proposals for stationery.....	.....do.....	Order given prior to June 10, when circulation was ascertained by law.
Sept. 10	.....do.....	3 00	Notice to officers. Death of Commander Smith.	.....do.....	Discretionary; does not come within the law.
June 2	National Intelligencer..	40 00	Proposals for stationery.....	.....do.....	Order given prior to June 10, when circulation was ascertained by law.
2	Constitutional Union..	32 00	.....do.....	.....do.....	Do.....do.
			BUREAU OF YARDS AND DOCKS		
June 13	Evening Star.....	99 50	Proposals for annual supplies.....	Chief of bureau.	

May 30	Daily Chronicle.....	76 00	BUREAU OF CONSTRUCTION AND REPAIR.	Chief of bureau	Order given prior to June 10, when circulation was ascertained by law.
30	National Intelligencer.	72 00	.....do.....	do.....	do.....do.
30	Republican	72 00	.....do.....	do.....	do.....do.
30	Evening Star.....	55 00	.....do.....	do.....	do.....do.
30	Constitutional Union..	54 00	.....do.....	do.....	do.....do.
			BUREAU OF EQUIPMENT AND RECRUITING.		
June 4	Evening Star.....	44 00	Proposals for annual supplies.....	Chief of bureau	Order given prior to June 10, when circulation was ascertained by law.
4	National Intelligencer.	56 00	.....do.....	do.....	Do.....do.
4	Republican	56 00	.....do.....	do.....	Do.....do.
4	Constitutional Union..	44 00	.....do.....	do.....	Do.....do.
			BUREAU OF STEAM ENGINEERING.		
June 19	Chronicle	72 00	Proposals for annual supplies	Chief of bureau.	
19	Evening Star.....	52 00	.....do.....	.....do.	
			BUREAU OF PROVISIONS AND CLOTHING.		
June 20	Chronicle	28 00	Proposals for flannels, shoes, and blankets.	Chief of bureau.	
20	Evening Star.....	18 00	.....do.....do.....	.....do.	
			BUREAU OF ORDNANCE.		
May 29	Evening Star.....	27 83	Proposals for magazine	Chief of bureau	Discretionary; does not come within the law.
Nov. 14	.....do.....	61 00	Sale of powder and grading magazine.	do.....	Do.....do.
Sept. 13	Republican	12 00	Proposals for grading magazine.....	do.....	Do.....do.
Nov. 17	.....do.....	28 00	Sale of ordnance stores	do.....	Do.....do.
			BUREAU OF NAVIGATION.		
July 20	Evening Star.....	33 33	Proposals for stationery.....	Chief of bureau.	
Nov. 15	.....do.....	8 15	Proposals for buildings at Naval Academy.	.....do.....	Discretionary; does not come within the law

[illegible]

NAVY YARD.				Discretionary: does not come within the law.
	Chronicle	Auction of condemned articles.....	Commandant of yard	
May 29	.....	7 50	.....do.....	Do.....do.
June 26	.....do.....	9 00	.....do.....	Do.....do.
July 10	.....do.....	4 00	.....do.....	Do.....do.
Aug. 28	.....do.....	10 00	.....do.....	Do.....do.
Oct. 27	.....do.....	15 00	.....do.....	Do.....do.
May 29	.....do.....	10 00	.....do.....	Do.....do.
June 26	Republican	7 50	.....do.....	Do.....do.
July 10	.....do.....	7 50	.....do.....	Do.....do.
Aug. 28	.....do.....	7 50	.....do.....	Do.....do.
Oct. 27	.....do.....	5 00	.....do.....	Do.....do.
	.....do.....	12 00	.....do.....	Do.....do.
	.....do.....	10 00	.....do.....	Do.....do.
	.....do.....	5 00	.....do.....	Do.....do.

THE EVENING STAR OFFICE, CORNER OF 11TH AND D STREETS,
Washington, D. C., June 9, 1866.

SIR: In response to your letter of yesterday I herewith forward copies of affidavits made on the 4th instant by Clarence B. Baker, cashier and bookkeeper of the Star office, and John Dice, foreman of the Star office press-room, in response to a similar call from the Postmaster General, embracing a statement of the *bona fide* paid circulation of the daily and weekly editions of the Star for the three months immediately preceding the first of June instant, the period for which the Postmaster General demanded the showing. The copies herewith transmitted are verified by the affidavits the law requires. The following is a statement of the *bona fide* paid circulation of the two editions of the Star within the current months up to yesterday morning, which will be verified on oath in case you propose to include that time in the estimate, viz :

Of the daily edition—

June 1st	7, 999
June 2d	8, 132
June 4th	8, 222
June 5th	8, 153
June 6th	7, 914
June 7th	7, 870
<hr/>	
Total	48, 290

Of the weekly edition, 428 copies.

I am, sir, respectfully, your obedient servant,
W. D. WALLACH,
Publisher of the Star.

Hon. GIDEON WELLES,
Secretary of the Navy.

DISTRICT OF COLUMBIA, *County of Washington, to wit :*

Personally appeared before me, a justice of the peace in and for the District and county aforesaid, Clarence B. Baker, who, being duly sworn, deposes and says that he is the cashier and bookkeeper of the Evening Star newspaper office, and that the annexed schedule exhibits the *bona fide* paid circulation of the daily and weekly editions of the said Evening Star newspaper on each day of the publication thereof, within the three months immediately preceding June 1st, showing an aggregate for the daily, in that time, of six hundred and ninety thousand four hundred and eighty-four, (609,484,) and an aggregate for the weekly edition in the same period of five thousand five hundred and ninety one copies. The said deponent further swears that the above-stated *bona fide* paid circulation of the daily and weekly editions of the said Star newspaper has not during the said three months been increased by any gratuitous circulation by a reduction in price below the ordinary and usual price of the paper, or by any other means, for the purpose of obtaining the official advertising.

C. B. BAKER.

Sworn and subscribed before me this 9th day of June, A. D. 1866.
[SEAL.] J. W. BARNACLO,
Justice of the Peace.

DISTRICT OF COLUMBIA, *County of Washington, to wit :*

Personally appeared before me, a justice of the peace in and for the District and county aforesaid, John Dice, who, being duly sworn, deposes and says that

that there has been printed a greater number of copies of the said daily and weekly Star newspaper, on each and every day within the three months immediately preceding the first of the current month (June, 1866,) than is shown in the tabular statement hereto appended, which foots up an aggregate *bona fide* paid circulation of six hundred and nine thousand four hundred and eighty-four (609,484) copies of the daily edition, and five thousand five hundred and ninety-one copies of the weekly edition.

JOHN DICE.

Sworn and subscribed before me, this 9th day of June, A. D. 1866.

J. W. BARNACLO,

Justice of the Peace.

[SEAL.]

DAILY EDITION.

Date.		Copies.	Date.		Copies.	Date.		Copies.
March	1.....	7,733	April	2.....	7,750	May	1.....	7,546
	2.....	7,824		3.....	7,740		2.....	7,674
	3.....	7,825		4.....	7,802		3.....	7,618
	5.....	7,788		5.....	7,792		4.....	7,811
	6.....	7,782		6.....	7,698		5.....	7,610
	7.....	7,682		7.....	7,976		7.....	7,661
	8.....	7,713		9.....	8,024		8.....	7,691
	9.....	7,720		10.....	7,756		9.....	7,604
	10.....	7,834		11.....	7,771		10.....	7,672
	12.....	7,884		12.....	7,829		11.....	7,561
	13.....	7,734		13.....	7,898		12.....	7,572
	14.....	7,755		14.....	7,706		14.....	7,530
	15.....	7,704		16.....	7,877		15.....	7,497
	16.....	7,774		17.....	7,747		16.....	7,574
	17.....	7,709		18.....	7,771		17.....	7,588
	19.....	7,791		19.....	8,405		18.....	7,550
	20.....	7,704		20.....	7,968		19.....	7,544
	21.....	7,622		21.....	7,667		21.....	7,628
	22.....	7,702		23.....	7,733		22.....	7,411
	23.....	7,639		24.....	7,562		23.....	7,470
	24.....	7,783		25.....	7,491		24.....	7,740
	26.....	7,598		26.....	7,567		25.....	7,623
	27.....	8,248		27.....	7,601		26.....	7,633
	28.....	7,911		28.....	7,714		28.....	7,575
	29.....	7,847		30.....	7,720		29.....	7,581
	30.....	7,812					30.....	7,644
	31.....	7,765					31.....	8,588
Total.....		209,983	.....		194,605	.....		204,896

WEEKLY EDITION.

March	2.....	410	April	6.....	427	May	4.....	428
	9.....	417		13.....	443		11.....	412
	16.....	444		20.....	429		18.....	446
	23.....	449		27.....	418		25.....	450
	30.....	418				Total.....		5,591

DISTRICT OF COLUMBIA, County of Washington, to wit :

Personally appeared before me, a justice of the peace in and for the District and county aforesaid, Clarence B. Baker, who, being duly sworn, deposes and

16 ADVERTISING IN PAPERS IN DISTRICT OF COLUMBIA.

he is the foreman and superintendent of the Evening Star newspaper office, and says that he is the cashier and bookkeeper of the Evening Star newspaper office, and that the *bona fide* paid circulation of the daily edition of the Star, from the first to the tenth, inclusive, of the current month, (June, 1866,) is as follows, viz :

June 1	7,999
2	8,132
4	8,222
5	8,153
6	7,914
7	7,870
8	8,008
9	8,069
<hr/>	
Total	64,367
<hr/>	

and that the *bona fide* paid circulation of the weekly edition of the said Evening Star newspaper, published on the 1st and 8th of the current month of June, 1866, has been as follows, viz : June 1, 428 ; June 8, 430.

The said deponent further swears that the above stated *bona fide* paid circulation of the daily and weekly edition of the said Star newspaper has not been increased by any gratuitous circulation by a reduction in price below the ordinary and usual price of the papers, or by any other means, for the purpose of obtaining the official advertising.

C. B. BAKER.

Sworn to and subscribed before me this 11th day of June, A. D. 1866.
[SEAL.]

E. H. BATES, J. P.

DISTRICT OF COLUMBIA, *County of Washington, to wit :*

Personally appeared before me, a justice of the peace in and for the District and county aforesaid, John Dice, who, being duly sworn, deposes and says that he is foreman and superintendent of the press-room of the Evening Star office, and that he has printed a greater number of copies of the daily and weekly editions of the said Star newspaper on each and every day of the current month, June, 1866, than is shown in the tabular statement embraced in the affidavits of Clarence B. Baker appended above, which exhibits an aggregate *bona fide* paid circulation of sixty-four thousand three hundred and sixty-seven (64,367) copies of the daily edition, and eight hundred and fifty-eight copies of the weekly edition of the Star from the 31st of May ultimo, to this day, June 11, 1866.

JOHN DICE.

Sworn to and subscribed before me this 11th day of June, A. D. 1866.
[SEAL.]

E. H. BATES, J. P.

DAILY MORNING CHRONICLE OFFICE,
Washington, D. C., June 9, 1866.

SIR : In accordance with your request of the 8th instant, to furnish to your department a sworn statement of the circulation of the Chronicle for three months, in compliance with the sixth section of the act making appropriations for the services of the Post Office Department, approved May 18, 1866, regulating the publication of advertisements in the city of Washington emanating from the executive departments, I herewith submit the true *bona fide* paid circulation

of the Daily Chronicle for three months, ending May 31, 1866, which was four hundred and ninety-two thousand five hundred and fifty-two (492,552) copies. This circulation was not, during the three months, increased by any gratuitous circulation, or by a reduction in price below the ordinary and usual price of such papers, or by any other means, for the purpose of obtaining the official advertising.

D. C. FORNEY,
Publisher Chronicle.

Hon. GIBBON WELLES,
Secretary of the Navy.

COUNTY OF WASHINGTON, *District of Columbia :*

On the ninth day of June, in the year of our Lord one thousand eight hundred and sixty-six, personally appeared before me, the subscriber, a justice of the peace in and for said county and District, D. C. Forney, publisher of the Daily Morning Chronicle, who makes oath on the Holy Evangely of Almighty God that the foregoing statement is true, to the best of his knowledge and belief.

[SEAL.] JAMES LAWRENSON,
Justice of the Peace.

Statement showing the circulation of the Daily and Sunday Morning Chronicle.

Date.		Copies.	Date.		Copies.	Date.		Copies.
March	1.....	5,880	April	1.....	6,720	May	2.....	4,704
	2.....	5,712		2.....	4,296		3.....	4,824
	3.....	5,880		3.....	4,992		4.....	4,656
	4.....	8,880		4.....	5,184		5.....	4,992
	5.....	5,496		5.....	5,112		6.....	6,384
	6.....	5,376		6.....	5,160		7.....	4,680
	7.....	5,472		7.....	5,160		8.....	4,728
	8.....	5,424		8.....	6,888		9.....	4,800
	9.....	5,400		9.....	5,040		10.....	4,776
	10.....	5,520		10.....	5,160		11.....	4,776
	11.....	8,328		11.....	5,136		12.....	4,944
	12.....	5,304		12.....	5,160		13.....	6,384
	13.....	5,448		13.....	5,160		14.....	4,656
	14.....	5,448		14.....	5,400		15.....	4,608
	15.....	5,376		15.....	7,104		16.....	4,872
	16.....	5,400		16.....	5,160		17.....	5,760
	17.....	5,448		17.....	5,016		18.....	4,752
	18.....	7,776		18.....	5,112		19.....	4,848
	19.....	5,160		19.....	5,352		20.....	6,120
	20.....	5,160		20.....	5,760		21.....	4,656
	21.....	5,352		21.....	5,472		22.....	4,584
	22.....	5,232		22.....	7,152		23.....	4,704
	23.....	5,280		23.....	5,040		24.....	4,656
	24.....	5,280		24.....	4,992		25.....	4,656
	25.....	7,968		25.....	4,872		26.....	4,704
	26.....	4,968		26.....	4,872		27.....	5,928
	27.....	4,896		27.....	4,728		28.....	4,488
	28.....	5,760		28.....	5,016		29.....	4,536
	29.....	5,064		29.....	6,528		30.....	4,728
	30.....	5,208		30.....	4,632		31.....	4,440
	31.....	5,256	May	1.....	4,680	Total.....		492,552

Average circulation of Daily Morning Chronicle 5,068 copies.
Average circulation of Sunday Morning Chronicle..... 7,089 copies.

EDITORIAL DEPARTMENT, NATIONAL INTELLIGENCER,
Washington, June 9, 1866.

SIR : Yours of the 8th instant, wishing to know the circulation of the National Intelligencer for the purpose of awarding the advertisements, is at hand ; and we certify that the average circulation of the Intelligencer for the three months preceding the 1st of June, 1866, was : Daily edition 3,552 and the tri-weekly edition 3,840, making 7,392 copies, one day's circulation, or 32,832 copies for one week.

Very respectfully,

SNOW, COYLE & CO.

Hon. GIDEON WELLES,
Secretary of the Navy.

DISTRICT of COLUMBIA, *County of Washington, ss :*

There appeared before me this 9th day of June, A. D. 1866, Chauncey H. Snow, of the firm of Snow, Coyle & Co., of the above mentioned National Intelligencer, published in the city and county of Washington, and made oath in due form of law and deposed and said that the *bona fide* paid circulation of the said Intelligencer of each regular issue for three months immediately preceding the first day of June, is as within stated ; and further, that said circulation has not, during the said three months, been increased by any gratuitous circulation, or by a reduction in price below the ordinary and usual price of such paper, or by any other means, for the purpose of obtaining the official advertisements.

C. H. SNOW.

Sworn to and subscribed before me this 9th day of June, A. D. 1866.

[SEAL.]

N. H. MILLER,
Justice of the Peace.

POST OFFICE DEPARTMENT,
December 13, 1866.

SIR : In compliance with the request contained in your letter of the 5th instant, I herewith transmit the accompanying papers in answer to the call of the resolution of the House of Representatives, under date of the 4th instant.

The enclosed, marked A, is a copy of a letter from the Auditor of this department furnishing the amounts paid the several papers for advertising for term specified, with the names of the officers by whom ordered or allowed. The sum of \$138 paid the Star newspaper was for advertising for proposals for stationery for four weeks, from 1st December, 1865, allowed by Postmaster General Dennison, under date of July 17, 1866.

The sum of \$24 20 paid said paper, was for advertising for proposals for waste paper, under date of December 23, 1865, allowed by Postmaster General Dennison, under date of July 17, 1866.

The sum of \$44 paid said paper, was for advertising for proposals for mail-bags, once a week for four weeks, from 13th April, 1866, ordered by Postmaster General Dennison, 12th April, 1866.

The sum of \$63 paid said paper, was for advertising for proposals for envelopes, under date of May 25, 1866, ordered by Postmaster General Dennison, 25th May, 1866.

The sum of \$16 50 paid said paper, was for advertising for proposals for wood and coal, under date of June 22, 1866, allowed by Postmaster General Denni-

son, July 17, 1866; making in the aggregate \$285 70 paid the publisher of said paper.

The sum of \$60 paid the Chronicle newspaper, was for advertising for proposals for mail-bags, once a week for four weeks, from 26th April, 1866, allowed by Postmaster General Randall, 10th August, 1866.

The sum of \$105 paid said paper, was for advertising for envelopes, under date of May 26, 1866, to June 23, 1866, allowed by Postmaster General Randall, under date of August 10, 1866.

The sum of \$42 50 paid said paper, was for advertising for proposals for wood and coal, under date of June 22, 1866, allowed by Postmaster General Randall, under date of August 10, 1866; making in the aggregate paid the publisher of said paper the sum of \$207 50 for advertising.

The sum of \$98 paid the proprietor of the Republican newspaper, was for advertising for proposals for envelopes, thirteen times, from the 26th May, 1866, allowed by acting Postmaster General Randall, July 2, 1866.

The sum of \$91 paid the publisher of the National Intelligencer, was for advertising for proposals for envelopes, thirteen squares, three times a week, from 26th May, 1866, to 25th June, 1866, allowed by acting Postmaster General Randall, July 2, 1866.

The enclosed, marked B, is a copy of the sworn statement of the publisher of the Chronicle, as to circulation.

The enclosed, marked C, is a copy of the sworn statement from the Star office.

The enclosed, marked D, is a copy of the sworn statement from the office of the National Intelligencer, as to circulation.

The enclosed, marked E, contains a copy of the Postmaster General's order, awarding the advertising to the Star and Chronicle.

Very respectfully, &c.,

ALEX. W. RANDALL,
Postmaster General.

Hon. HUGH McCULLOCH, *Secretary of the Treasury.*

A.

OFFICE OF THE AUDITOR OF THE TREASURY
FOR THE POST OFFICE DEPARTMENT,
December 17, 1866.

SIR: In reply to the letter of the Secretary of the Treasury of the 5th instant, referred by you to this office, asking information as to the amount of money paid or ordered to be paid "to the several newspapers published in the District of Columbia," for advertising notices and proposals of the Post Office Department since the 18th day of May last, I have the honor to state that there has been paid to the Star newspaper of this city—

For advertising proposals for stationery, as per allowance of Postmaster General Dennison, the sum of \$138. (Paid July 17, 1866.)

For advertising for proposals for mail-bags, as per allowance of Postmaster General Dennison, the sum of \$44. (Paid July 17, 1866.)

For advertising for proposals for envelopes, ordered by Postmaster General Dennison, the sum of \$63. (Paid July 17, 1866.)

For advertising for proposals for wood and coal, allowed by Postmaster General Dennison, the sum of \$16 50. (Paid July 17, 1866.)

For advertising for proposals for sale of waste paper, allowed by Postmaster General Dennison, the sum of \$24 20. (Paid July 17, 1866.)

For advertising for proposals for wrapping paper and twine, ordered by Postmaster General Randall, October 25, 1866, \$65 25. (Paid December 6, 1866.)

For advertising for proposals for letter balances, ordered by Postmaster General Randall, October 25, 1866, \$33 75. (Paid December 6, 1866.)

To the Chronicle—

For advertising proposals for mail-bags, allowed by Postmaster General Randall, the sum of \$60. (Paid August 10, 1866.)

For advertising for proposals for envelopes, allowed by Postmaster General Randall, the sum of \$105. (Paid August 10, 1866.)

For advertising for proposals for wood and coal, allowed by Postmaster General Randall, the sum of \$42 50. (Paid August 10, 1866.)

To the Republican—

For advertising for proposals for envelopes, allowed by Acting Postmaster General Randall, the sum of \$98. (Paid July 2, 1866.)

To the National Intelligencer—

For advertising for proposals for envelopes, allowed by Acting Postmaster General Randall, the sum of \$91. (Paid July 2, 1866.)

The Chronicle of this city and Times of Georgetown, D. C., have been authorized to publish each the advertisements inviting proposals for “wrapping paper and twine,” and for “letter balances,” at their usual rates of advertising, payments for which have not yet been made. It is proper to state that the advertisements inviting proposals for “stationery,” for “waste paper,” and for “mail-bags,” were not published prior to the 18th day of May last.

Respectfully,

H. J. ANDERSON, *Auditor.*

Hon. A. W. RANDALL,
Postmaster General.

B.

WASHINGTON, D. C., *June 9, 1866.*

SIR: In accordance with your instructions of the 26th ultimo, to furnish to your department a sworn statement of the circulation of the Chronicle for three months, in compliance with the sixth section of the act making appropriations for the service of the Post Office Department, approved May 18, 1866, regulating the publication of advertisements in the city of Washington emanating from the executive departments, I herewith submit the *true bona fide* paid circulation of the Daily Chronicle for three months ending May 31, 1866, which was four hundred and ninety-two thousand five hundred and fifty-two (492,552) copies. This circulation was not increased during the three months by any gratuitous circulation, or by a reduction of price below the ordinary and usual price of such papers, or by any other means, for the purpose of obtaining the official advertising.

D. C. FORNEY,
Publisher Chronicle.

• Hon. ST. JOHN B. L. SKINNER,
Acting First Assistant Postmaster General.

DISTRICT OF COLUMBIA, *County of Washington, ss:*

On this 9th day of June, in the year of our Lord 1866, personally appeared before the subscriber, a justice of the peace in and for the county and District

aforesaid, D. C. Forney, esq., who makes oath on the Holy Evangely of Almighty God that the foregoing statement is true to the best of his knowledge and belief; and the said D. C. Forney further swears that "this circulation was not increased during the three months by any gratuitous circulation, or by a reduction of price below the ordinary and usual price of such papers, or by any other means, for the purpose of obtaining the official advertising."

[SEAL.]

JAMES LAWRENSON,
Justice of the Peace.

C.

DISTRICT OF COLUMBIA, *County of Washington, to wit:*

Personally appeared before me, a justice of the peace in and for the District and county aforesaid, Clarence B. Baker, who, being duly sworn, deposes and says that he is the cashier and bookkeeper of the Evening Star newspaper office, and that the annexed schedule exhibits the *bona fide* paid circulation of the daily and weekly editions of the said Evening Star newspaper, on each day of the publication thereof, within the three months immediately preceding June first, instant, showing an aggregate for the daily in that time of six hundred and nine thousand four hundred and eighty-four copies, (609,484,) and an aggregate for the weekly edition in the same period, of five thousand five hundred and ninety-one copies. The said deponent further swears that the above stated *bona fide* paid circulation of the daily and weekly editions of the said Star newspaper has not, during the said three months, been increased by any gratuitous circulation, by a reduction in price below the ordinary and usual price of the paper, or by any other means, for the purpose of obtaining the official advertising.

C. B. BAKER.

Sworn and subscribed before me this 4th day of June, A. D. 1866.

[SEAL.]

E. H. BATES, *J. P.*

DISTRICT OF COLUMBIA, *County of Washington, to wit:*

Personally appeared before me, a justice of the peace in and for the District and county aforesaid, John Dice, who, being duly sworn, deposes and says that he is the foreman and superintendent of the press-room of the Evening Star newspaper, and that there has been printed on each day's issue, within the three months immediately preceding the 1st of June, instant, a greater number of copies of the daily and weekly editions of the said Star newspaper than is shown in the annexed schedule, which foots up an aggregate within the aforesaid three months of six hundred and nine thousand four hundred and eighty-four copies of the daily edition, and of five thousand five hundred and ninety-one copies of the weekly edition, during the months of March, April, and May last.

JOHN DICE.

Sworn to and subscribed before me this 4th day of June, 1866.

[SEAL.]

E. H. BATES, *J. P.*

DAILY EDITION.

Date.		Copies.	Date.		Copies.	Date.		Copies.
March	1.....	7,733	April	2.....	7,750	May	3.....	7,618
	2.....	7,824		3.....	7,740		4.....	7,810
	3.....	7,825		4.....	7,802		5.....	7,610
	5.....	7,788		5.....	7,792		7.....	7,661
	6.....	7,782		6.....	7,698		8.....	7,691
	7.....	7,682		7.....	7,976		9.....	7,604
	8.....	7,713		9.....	8,024		10.....	7,672
	9.....	7,720		10.....	7,756		11.....	7,561
	10.....	7,834		11.....	7,771		12.....	7,572
	12.....	7,884		12.....	7,829		14.....	7,530
	13.....	7,734		13.....	7,898		15.....	7,497
	14.....	7,755		14.....	7,706		16.....	7,574
	15.....	7,704		16.....	7,877		17.....	7,588
	16.....	7,774		17.....	7,747		18.....	7,550
	17.....	7,709		18.....	7,771		19.....	7,544
	19.....	7,791		19.....	8,405		21.....	7,628
	20.....	7,704		20.....	7,968		22.....	7,411
	21.....	7,622		21.....	7,667		23.....	7,470
	22.....	7,702		23.....	7,773		24.....	7,740
	23.....	7,639		24.....	7,562		25.....	7,623
	24.....	7,783		25.....	7,491		26.....	7,633
	26.....	7,598		26.....	7,567		28.....	7,575
	27.....	8,248		27.....	7,601		29.....	7,581
	28.....	7,911		28.....	7,714		30.....	7,644
	29.....	7,847		30.....	7,720		31.....	7,588
	30.....	7,812	May	1.....	7,546	Total.....		609,484
	31.....	7,765		2.....	7,674			

WEEKLY EDITION.

March	2.....	410	April	6.....	427	May	4.....	428
	9.....	417		13.....	443		11.....	412
	16.....	444		20.....	429		18.....	446
	23.....	449		27.....	418		25.....	450
	30.....	418					Total.....	5,591

D.

OFFICE OF THE NATIONAL INTELLIGENCER,
Washington, June 4, 1866.

SIR : Yours of May 26th, wishing to know the circulation of the Intelligencer for the purpose of awarding the advertisements, is at hand, and we certify that the average circulation of the National Intelligencer for the three months preceding the first of June, 1866, was : Daily edition 3,552, and the tri-weekly edition 3,840, making 7,392 copies, one day's circulation, or 32,832 copies for one week.

Very respectfully,

SNOW, COYLE & CO.

Hon. ST. J. B. L. SKINNER,
Acting Assistant Postmaster General.

DISTRICT OF COLUMBIA, County of Washington, ss :

There appeared before me this fifth day of June, A. D. 1866, John F. Coyle, one of the firm of Snow, Coyle & Co., of the aforementioned National Intelligen-

cer, published in the city and county of Washington, and made oath in due form of law, and depose and saith that the *bona fide* paid circulation of the said Intelligencer of each regular issue, for three months immediately preceding the first day of June, is as within stated; and further, that said circulation has not, during the said three months, been increased by any gratuitous circulation, or by a reduction in price below the ordinary and usual price of such paper, or by any other means, for the purpose of obtaining the official advertising.

JNO. F. COYLE.
SNOW, COYLE & CO.

Sworn and subscribed to before me this fifth day of June, A. D. 1866.
[SEAL] N. H. MILLER,
Justice of the Peace.

E.

Abstract of statements of the circulation of the several papers competing for the official advertising of the Post Office Department.

NATIONAL INTELLIGENCER.

Daily circulation of the daily	3, 552
Aggregate circulation of the daily for three months	277, 056
Circulation of the tri-weekly, each issue	3, 840
Aggregate circulation of the tri-weekly for three months	149, 760

EVENING STAR.

Daily circulation of the daily	7, 813 ⁷ / ₈
Aggregate circulation for three months	609, 484

DAILY MORNING CHRONICLE.

Daily circulation of the daily	5, 068
Aggregate circulation for three months	395, 304
Daily Sunday Morning Chronicle	7, 089
Aggregate circulation for three months	92, 157

POST OFFICE DEPARTMENT, *June 11, 1866.*

From the sworn statements of the proprietors of the several papers in the city of Washington competing for the official advertising of this department, presented to the Postmaster General on the 11th day of June, 1866, it appears that the Daily Evening Star and the Daily Morning Chronicle have the largest circulation. It is therefore—

Ordered, Pursuant to the requirements of the 6th section of the act making appropriations for the Post Office Department for the fiscal year ending June 30, 1867, approved May 18, 1866, that all official advertisements of this department which are “required by law to be published in the city of Washington,” be hereafter published in the Daily Evening Star and the Daily Morning Chronicle, until otherwise ordered.

W. DENNISON,
Postmaster General.

Brought to the official journal on the 13th June, 1866, and recorded, vol. 59, p. 461.

J. L., *Journal Clerk.*

ATTORNEY GENERAL'S OFFICE,
Washington, December 8, 1866.

SIR: I have the honor to acknowledge the receipt of your letter of the 5th instant, enclosing a copy of a resolution of the Senate of the United States, directing the Secretary of the Treasury to state the amounts paid for advertising by the several executive departments, to the several papers published in the District of Columbia, since the 18th day of May, 1866; and to say, in reply, that nothing has been paid to those papers since the date mentioned, by this office.

Very respectfully, sir, your obedient servant,

HENRY STANBERY,
Attorney General.

Hon. H. McCULLOCH,
Secretary of the Treasury.

DEPARTMENT OF AGRICULTURE,
Washington, D. C., December 15, 1866.

SIR: I have the honor to acknowledge the receipt of your note of the 5th instant, enclosing a copy of a resolution adopted by the Senate of the United States, directing the Secretary of the Treasury to state the amounts paid for advertising by the several executive departments, to the several papers published in the District of Columbia, since the 18th day of May, 1856.

I have the honor to state, in reply, that this department has been able to manage its affairs without the necessity of calling to its aid the newspapers of this District, in the way of publishing advertisements or notices of any description.

I am, sir, your obedient servant,

G. BOLTON NEWTON,
Acting Commissioner.

Hon. HUGH McCULLOCH,
Secretary of the Treasury, Washington, D. C.

LETTER
OF
THE SECRETARY OF THE TREASURY,

COMMUNICATING,

In compliance with a resolution of the Senate of the 4th of December, 1866, the report of the Secretary of War in relation to the amount of money paid, or ordered to be paid, since the 18th day of May last, to the several newspapers published in the District of Columbia, for advertising notices and proposals for the War Department.

JANUARY 23, 1867.—Read and ordered to lie on the table.

JANUARY 30, 1867.—Ordered to be printed.

TREASURY DEPARTMENT,

January 22, 1867.

SIR: On the 11th instant, in reply to Senate resolution of December 5, 1866, relative to advertising in the District of Columbia, I had the honor to enclose the reports upon the subject from all the executive departments, except that of the War Department, which has since been received, and is herewith transmitted.

Very respectfully, your obedient servant,

H. McCULLOCH,

Secretary of the Treasury.

Hon. LAFAYETTE S. FOSTER,

President of the United States Senate.

WAR DEPARTMENT,

Washington City, January 16, 1867.

SIR: In answer to your letter of December 5, 1866, enclosing a copy of the Senate's resolution of December 5, respecting the amount of money paid to newspapers published in the District of Columbia for advertising notices, &c., for the executive departments, &c., I have the honor to give you the following information on the subject touching this department ..

1. Copy of War Department letter to the publishers of newspapers.
2. Affidavit of Chronicle.
3. Affidavit of Star.
4. Affidavit of Intelligencer.
5. Order of the Secretary of War designating Chronicle and Star newspapers.
6. Statement of accounts paid.

Very respectfully, sir, your obedient servant,

EDWIN M. STANTON,

Secretary of War.

Hon. H. McCULLOCH,

Secretary of the Treasury.

Papers submitted relative to the Senate resolution calling for a report advertising in newspapers in District of Columbia.

1. Letter to publishers calling for sworn statements of circulation.
2. Affidavits of the Chronicle.
3. Affidavits of the Star.
4. Affidavits of the Intelligencer.
- (No other papers competed.)
5. Order of the Secretary of War designating the Star and Chronicle.
6. Statement of accounts ordered paid, from May 18 to December 8, 1866, a copy of which is herewith enclosed, and to request, if you compete for the advertising of this department, that you furnish the sworn statement therein required as to the circulation of your paper.
7. Explanatory statement.

WAR DEPARTMENT
Washington City, June 8

To the publishers of the Washington "Chronicle," "Republican," "Daily Times," "National Intelligencer," "Constitutional Union"

The Secretary of War directs me to invite your attention to the provision six of the act of Congress making appropriations for the service of the Post Office Department for the year 1867 and for other purposes, approved May 18, 1866, a copy of which is herewith enclosed, and to request, if you compete for the advertising of this department, that you furnish the sworn statement therein required as to the circulation of your paper.

Very respectfully, your obedient servant,

THOMAS T. ECKER
Acting Assistant Secretary of War

WASHINGTON, D. C., *June 9*

SIR: In accordance with your instructions of the 8th instant, to furnish your department a sworn statement of the circulation of the Chronicle for three months, in compliance with the sixth section of the act making appropriations for the service of the Post Office Department, approved May 18, 1866, relating the publication of advertisements in the city of Washington and from the executive departments, I herewith submit the *true, bona fide* circulation of the Daily Chronicle for three months ending May 31, 1866, which was four hundred and ninety-two thousand five hundred and fifty-two. This circulation was not increased during the three months by any increase of circulation, or by a reduction of price below the ordinary and usual price of such papers, or by any other means, for the purpose of obtaining the advertising.

D. C. FORNEY,
Publisher Chronicle

Hon. THOMAS T. ECKER, *Acting Assistant Secretary of War.*

COUNTY OF WASHINGTON, *District of Columbia*:

On the 9th day of June, in the year of our Lord 1866, personally before the subscriber, a justice of the peace in and for the county and

aforesaid, D. C. Forney, publisher of the Daily Morning Chronicle, who makes oath on the Holy Evangely of Almighty God, that the foregoing statement is true to the best of his knowledge and belief.

[SEAL.]

JAMES LAWRENSON,
Justice of the Peace.

COUNTY OF WASHINGTON, *District of Columbia:*

On the 9th day of June. in the year of our Lord 1866, personally appeared D. C. Forney, publisher of the Chronicle, and made oath on the Holy Evangely of Almighty God, before me, the subscriber, a justice of the peace in and for said county and district, that the highest dailly circulation of the Chronicle for one issue of the three months ending May 31, 1866, was 8,880 copies, the lowest circulation for one day during same time was 4,440 copies.

D. C. FORNEY,
Publisher Chronicle.

Sworn and subscribed to before me this 9th day of June, A. D. 1866.

JOHN S. HOLLINGSHEAD,
Notary Public.

THE EVENING STAR OFFICE,

Corner of 11th and D streets, Washington, D. C., June 8, 1866.

In answer to yours of this date please find copy of affidavits made originally on Monday last, the 4th instant, by Clarence B. Baker, cashier and bookkeeper of the Star office, and John Dice, foreman of the Star office press-room, in response to a similar call from the Post Office Department, which required the statement to be made of the *bona fide* paid circulation of the Star for the three months preceding the 1st of June, instant. The copies herewith forwarded to you are also duly sworn to by the same persons, Messrs. Baker and Dice.

The following is a correct statement of the *bona fide* paid circulation of the Star for the six days of the current month upon which it has been issued up to the hour at which I write this reply to your letter, which will be verified on oath if you please to signify a desire that it should be done.

Of the daily edition—

June 1st	7, 999
June 2d	8, 132
June 4th	8, 222
June 5th	8, 153
June 6th	7, 914
June 7th	7, 870
Total	<u>48, 290</u>

Of the weekly, issued on Friday, the 1st of June, instant, 428 copies.

I am, sir, respectfully, your obedient servant,

W. D. WALLACH,
Publisher of the Star.

THOS. T. ECKERT, Esq.,
Assistant Secretary of War, Present.

ADVERTISING IN THE DISTRICT OF COLUMBIA.

DAILY EDITION.

Date.		Copies.	Date.		Copies.	Date.		Copies.
March	1.....	7,733	April	2.....	7,750	May	3.....	7,618
	2.....	7,824		3.....	7,740		4.....	7,811
	3.....	7,825		4.....	7,802		5.....	7,610
	5.....	7,788		5.....	7,792		7.....	7,661
	6.....	7,782		6.....	7,698		8.....	7,691
	7.....	7,682		7.....	7,976		9.....	7,604
	8.....	7,713		9.....	8,024		10.....	7,672
	9.....	7,720		10.....	7,756		11.....	7,561
	10.....	7,834		11.....	7,771		12.....	7,572
	12.....	7,884		12.....	7,829		14.....	7,530
	13.....	7,734		13.....	7,898		15.....	7,497
	14.....	7,755		14.....	7,706		16.....	7,574
	15.....	7,704		16.....	7,877		17.....	7,528
	16.....	7,774		17.....	7,747		18.....	7,550
	17.....	7,709		18.....	7,771		19.....	7,544
	19.....	7,791		19.....	8,405		21.....	7,628
	20.....	7,704		20.....	7,968		22.....	7,411
	21.....	7,622		21.....	7,667		23.....	7,470
	22.....	7,702		23.....	7,773		24.....	7,740
	23.....	7,639		24.....	7,562		25.....	7,623
	24.....	7,783		25.....	7,491		26.....	7,633
	26.....	7,598		26.....	7,567		28.....	7,575
	27.....	8,248		27.....	7,601		29.....	7,581
	28.....	7,911		28.....	7,714		30.....	7,644
	29.....	7,847		30.....	7,720		31.....	7,528
	30.....	7,812	May	1.....	7,546	Total.....		609,484
	31.....	7,765		2.....	7,674			

WEEKLY EDITION.

March	2.....	410	April	6.....	427	May	4.....	428
	9.....	417		13.....	443		11.....	412
	16.....	444		20.....	429		18.....	446
	23.....	449		27.....	418		25.....	450
	30.....	418					Total.....	5,591

DISTRICT OF COLUMBIA, *County of Washington* :

W. D. Wallach, being first duly sworn, on oath deposes and says that he is the publisher of the Evening Star, a daily newspaper published in the city of Washington; that the annexed tabular statement exhibits the *bona fide* paid circulation of said newspaper for the three months ending May 31, 1866, and that such circulation has not, during the said three months, been increased by any gratuitous circulation, by a reduction in price below the ordinary and usual price of such paper, or by any other means, for the purpose of obtaining the official advertising.

W. D. WALLACH.

Subscribed and sworn to before me this 9th day of June, A. D. 1866.

[SEAL.]

E. H. BATES,
Justice of the Peace.

DISTRICT OF COLUMBIA, *County of Washington, to wit* :

Personally appeared before me, a justice of the peace in and for the District and county aforesaid, Clarence B. Baker, who, being duly sworn, deposes and

says that he is the cashier and bookkeeper of the Evening Star newspaper office, and that the annexed schedule exhibits the *bona fide* paid circulation of the daily and weekly editions of the said Evening Star newspaper on each day of the publication thereof, within the three months immediately preceding June at instant, showing an aggregate for the daily, in that time, of six hundred and nine thousand four hundred and eighty-four, (609,484,) and an aggregate for the weekly edition in the same period of five thousand five hundred and ninety-nine copies. The said deponent further swears that the above-stated *bona fide* paid circulation of the daily and weekly editions of the said Star newspaper has not during the said three months been increased by any gratuitous circulation, by a reduction in price below the ordinary and usual price of the paper, or by any other means, for the purpose of obtaining the official advertising.

C. B. BAKER.

Sworn to and subscribed before me this 9th day of June, 1866.

J. W. BARNACLO,

[SEAL.]

Justice of the Peace.

DISTRICT OF COLUMBIA, *County of Washington, to wit:*

Personally appeared before me, a justice of the peace in and for the District and county aforesaid, John Dice, who, being duly sworn, deposes and says that he is the foreman and superintendent of the press-room of the Evening Star newspaper office, and that there has been printed a greater number of copies of the said daily and weekly Star newspaper, on each and every day within the three months immediately preceding the first of the current month (June, 1866,) than is shown in the tabular statement hereto appended, which foots up an aggregate *bona fide* paid circulation of six hundred and nine thousand four hundred and eighty-four (609,484) copies of the daily edition, and five thousand five hundred and ninety-nine copies of the weekly edition.

JOHN DICE.

Sworn to and subscribed before me this 9th day of June, A. D. 1866.

J. W. BARNACLO,

[SEAL.]

Justice of the Peace.

EDITORIAL DEPARTMENT NATIONAL INTELLIGENCER,

Washington, June 9, 1866.

SIR: Yours of the 8th instant, wishing to know the circulation of the National Intelligencer for the purpose of awarding the advertisements, is at hand; and we certify that the average circulation of the Intelligencer for the three months preceding the 1st of June, 1866, was: Daily edition 3,552, and the tri-weekly edition 3,840, making 7,392, one day's circulation, or 32,832 copies for one week.

Very respectfully,

SNOW, COYLE & CO.

Hon. THOMAS T. ECKERT,

Assistant Secretary of War.

DISTRICT OF COLUMBIA, *County of Washington, ss:*

There appeared before me this 9th day of June, A. D. 1866, Channcey H. Snow, of the firm of Snow, Coyle & Co., of the above-mentioned National In-

telligencer, published in the city and county of Washington, and made oath in due form of law and deposed and said that the *bona fide* and paid subscription of the said National Intelligencer of each regular issue for three months immediately preceding the first day of June, is as within stated; and further, that said circulation has not, during the said three months, been increased by any gratuitous circulation, or by a reduction in price below the ordinary and usual price of such paper, or by any other means, for the purpose of obtaining the official advertisements.

C. H. SNOW.

Sworn to and subscribed before me this 9th day of June, A. D. 1866.

[SEAL.]

N. H. MILLER,
Justice of the Peace.

WAR DEPARTMENT,
Washington City, June 11, 1866.

To the Adjutant General, Quartermaster General, Commissary General of Subsistence, Surgeon General, Provost Marshal General, Chief of Ordnance, Chief of Engineers, Commissioner Bureau of Refugees, Freedmen and Abandoned Lands, Publisher of the Star, Publisher of the Chronicle:

In conformity with the act of Congress entitled "An act making appropriations for the service of the Post Office Department during the fiscal year ending the thirtieth day of June, eighteen hundred and sixty-seven, and for other purposes," approved May 18, 1866, the advertising, notices, and proposals for contracts for the War Department, required by law to be published in the city of Washington, will, until further orders, be published in the following daily newspapers and in no others in said city, namely, the Evening Star and the Morning Chronicle; these being the two daily newspapers having the largest circulation, as appears from the sworn statements of the several publishers furnished this department, according to the provisions of said act.

The heads of bureaus of the War Department will issue orders accordingly

EDWIN M. STANTON,
Secretary of War.

Name of newspaper.	Character of advertisement.	Date of insertion.	Amount.
Evening Star.....	Proposals	December, 1865	\$4 00
	Sales and proposals	April and May, 1866	283 78
	Sales	December, 1863.....	14 00
	Sales and proposals.....	April and May, 1866	70 48
	Sales	April and May, 1866	173 60
	Sales	May, 1866.....	19 97
	Sales and proposals.....	April and May, 1866	96 67
	Sales	April, 1866.....	96 00
	Proposals	April, 1866.....	11 90
	Proposals	May, 1866.....	11 81
	Proposals	May, 1866.....	21 00
	Sales and proposals.....	June and July, 1866	228 60
	Proposals	June and July, 1866	56 88
	Sales.....	May, 1866.....	17 08
	Proposals	June, 1866.....	42 00
	Sales and proposals.....	August and September, 1866.....	52 82
	Sales and proposals.....	August and September, 1866.....	176 93
	Notices of special claims commission	August, September, and October, 1866..	119 50
	Sale.....	July, August, and September, 1866.....	82 77
	Sale.....	June, 1866.....	6 00
	Sale.....	August, 1866	33 50
	Sale.....	August, 1866	40 32
	List of proposals, Quartermaster General's office	June, July, August, and September, 1866.	22 50
	Proposals	June, 1866.....	9 67
	Notice, meeting of the Army Medical Board	August, 1866	46 75
	Proposals, army transportation.....	March, 1866	26 25
	Sales	June and July, 1866.....	184 45
	Notice relative to moneys taken by rebels, General Hitchcock, commissary general of prisoners.	May, 1866.....	2 25
	Do.....do.....do.....do.....do.....	August, 1866	15 13
	Total for the Star		1,976 61

ADVERTISING IN THE DISTRICT OF COLUMBIA.

Character of advertisement.	Date of insertion.	Amount.
Sales and proposals	March and April, 1866.....	\$217 50
Meeting, board to examine breech-loading arms.....	March, 1866	39 00
Sales	April, 1866	50 00
Proposals	May, 1866.....	17 50
Sales	April, 1866.....	48 00
Sales	April, 1866.....	236 00
Sales and proposals	March, April, and May, 1866.....	468 50
Proposals, army transportation.....	March, 1866.....	45 00
Sales and proposals	April and May, 1866	77 50
Proposals	March and April, 1866.....	45 50
Sales	April, 1866	7 50
Sales	April, 1866.....	209 00
Sales	May, 1866.....	27 50
Sales	May and June, 1866	308 50
Proposals	June, 1866.....	15 00
Notice, Major General Hitchcock, commissary general of prisoners.....	May, 1866.....	19 50
Sales and proposals	May and June, 1866	546 00
Sales and proposals	May and June, 1866	78 00
Sales	May and June, 1866	54 50
Proposals	May, 1866.....	17 50
\$30 reward for deserters	March, 1866.....	5 00
Notice of dismissal, orders, &c., Adjutant General's office	May and June, 1866	6 00
Sales	July, 1866	121 50
Sales and proposals	July, 1866.....	126 00
Sales and proposals	July, August, and September, 1866.....	115 50
Sales, proposals, &c.....	August and September, 1866	330 00
Sales, proposals, &c.....	May, July, and August, 1866.....	128 00
Notice, claims commission, &c.....	August, September, and October, 1866	160 50
Sale	August, 1866	80 00
Notice to oyster dealers, by M. R. Patrick, provost marshal general, &c.....	August, 1864	35 34
Notice relative to moneys taken by rebels, General Hitchcock, commissary general of prisoners.....	August, 1866	27 50
do.....do.....do.....	October, 1866	12 50
Sales	February and March, 1866.....	66 50

ADVERTISING IN THE DISTRICT OF COLUMBIA.

National Republican...	Sales.....	September and October, 1865, and January to November, 1866, inclusive.	64 00
	List of contracts, proposals, &c.....		154 00
National Republican...	Meeting of the Army Medical Board.....	August, 1866.....	87 00
	Notice relative to moneys taken by rebels, General Hitchcock, commissary general of prisoners.	May, 1866.....	3 00
National Republican...	Total for the Chronicle.....		4, 049 84
National Republican...	Sale.....	April, 1866.....	\$46 00
	Sale.....	April, 1866.....	97 75
National Republican...	Sales and proposals.....	May, 1866.....	79 50
	Sales and proposals.....	May, 1866.....	322 00
National Republican...	Sales.....	April, 1866.....	185 00
	Sales.....	May, 1866.....	28 50
National Republican...	Proposals.....	May, 1866.....	12 00
	Sale.....	May, 1866.....	38 00
National Republican...	Proposals.....	May, 1866.....	29 25
	Sale.....	May, 1866.....	27 50
National Republican...	Sale.....	June 1 to 10, 1866.....	139 00
	Proposals.....	June 1 to 10, 1866.....	39 50
National Republican...	Proposals.....	June 1 to 10, 1866.....	5 25
	Proposals.....	June 1 to 10, 1866.....	20 00
National Republican...	Sale.....	May, 1866.....	14 00
	Notice by Major General Hitchcock, commissary general of prisoners.	May, 1866.....	18 00
National Republican...	Orders and circular, by Gen. Martindale, approved by Col. M. N. Wisewell.	June and July, 1864.....	41 13
	General orders, approved by Col. M. N. Wisewell.	March, 1864.....	23 63
National Republican...	General orders, approved by Col. M. N. Wisewell.	February, 1864.....	59 38
	Notice, (time for hearing exemption cases, Capt. O'Beirne, provost marshal).	February, 1865.....	5 25
National Republican...	Circular, (General W. S. Hancock).....	May, 1864.....	5 00
	Notices and orders, (Adjutant General's office).....	January to December, 1864.....	2, 692 75
National Republican...	Total for the Republican.....		3, 928 39
National Republican...	Sales and proposals.....	November, 1865, and April and May, 1866.....	\$57 75
	Sales.....	April, 1866.....	34 50
National Republican...	Proposals.....	June 7, 1866.....	16 00
	Sales and proposals.....	May and June 1 to 10, 1866.....	429 00
National Republican...	Sales and proposals.....	May and June 1 to 10, 1866.....	128 00
	Proposals.....	May, 1866.....	12 00
National Republican...	Sales.....	May, 1866.....	42 25

Advertisements in newspapers in the District of Columbia, &c.—Continued.

Name of newspaper.	Character of advertisement.	Date of insertion.	Amount.
National Intelligencer—Con.	Sales	May, 1866	\$33 50
	Sales	May, 1866	31 50
	Sales	April, 1866	190 00
	Sales	April and May, 1866	248 00
	Proposals	June 8, 1866	6 00
	Sales	May, 1866	27 50
	Sales	August 4, 1866	42 00
	Notice relative to moneys taken by rebels, General Hitchcock, commissary general of prisoners	May, 1866	3 00
		Total for the Intelligencer	1,303 00
Constitutional Union...	Sales	December, 1866	\$18 42
	Sales	January, February and March, 1866	272 43
	Sales	January and February, 1866	321 60
	Sales	January and February, 1866	81 59
	Sales	March, 1866	61 90
	Sales	February and March, 1866	185 15
	Proposals, army transportation	March, 1866	27 50
	Sales	December, 1865	38 00
	Sales	February, 1866	15 40
	Sales	December, 1865	11 00
	Sales	March, 1866	33 00
	Notices, Adjutant General's office	January, February, and March, 1866	7 50
	Sales	January and February, 1866	50 52
	Sales and proposals	January, 1866	21 75
	Sales	January, 1866	37 70
	Sales	November, 1865	25 35
	Sales and proposals	April, May, and June 1 to 10, 1866	332 37
	Sales and proposals	April and May, 1866	94 95
	Sales and proposals	April, May, and June 1 to 10, 1866	96 35
	Sale	April and May, 1866	151 95
	Proposals	June 7, 1866	8 75
		June 8, 1866	14 00

Notice, Adjutant General's office	May, 1866.....	12 00
Sale	May, 1866.....	15 00
Proposals	April, 1866.....	21 00
Proposals	April, 1866.....	17 25
Sales	April, 1866.....	20 00
Sales	April, 1866.....	4 10
Sales	April, 1866.....	96 00
Proposals	April and May, 1866.....	31 75
Total for the Union.....		2,125 38

RECAPITULATION.

Evening Star	\$1,976 07
Morning Chronicle	4,049 84
National Republican	3,928 39
National Intelligencer	1,303 00
Constitutional Union.....	2,125 38
Total.....	13,383 22

LETTER
OF
THE SECRETARY OF WAR,

COMMUNICATING,

In compliance with a resolution of the Senate of the 26th instant, the report of Major General J. H. Wilson on the capture of Jefferson Davis.

JANUARY 31, 1867.—Read, ordered to lie on the table and be printed.

WAR DEPARTMENT,
Washington City, January 31, 1867.

SIR: I have the honor to send herewith a copy of the report of Major General J. H. Wilson, on the capture of Jefferson Davis, called for by the Senate's resolution of January 26, 1867.

Very respectfully, sir, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. L. F. S. FOSTER,
President of the Senate.

A.

HEADQ'RS CAVALRY CORPS, MILITARY DIVISION OF MISSISSIPPI,
Macon, Georgia, May 18, 1865.

I have the honor to transmit herewith the reports of Captain Hathaway, Lieutenant Colonel Harnden, and Colonel R. H. G. Minty, giving the details of the pursuit and capture of Jefferson Davis, and to submit the following additional information and recommendations:

Soon after I heard that Johnston had surrendered to General Sherman, April 29, I received information that Davis, under escort of a considerable force of cavalry, and with a large amount of treasure in wagons, was marching south from Charlotte with the intention of going west of the Mississippi river. I immediately directed Brevet Brigadier General Winslow, temporarily in command of the fourth division, to march to Atlanta, and from that place watch all the roads north of the mouth of Yellow river; to send detachments to Newman, Carrolltown, and Talladega, as well as to Athens and Washington. Brigadier General Croxton, commanding first division, was directed to picket the Ocmulgee from the mouth of Yellow river to Macon; to send his best regiment to the east of the Oconee via Dublin, with orders to find the trail of the fugitives, and fol-

low them to the Gulf or the Mississippi river, if necessary. I commanded Colonel R. H. G. Minty, commanding the second division, to picket the Ocmulgee from this place to Hawkinsville, and on the 5th to extend his line rapidly down the Ocmulgee and Altamaha as far as the mouth of the Opoohee. He also sent a force to Oglethorpe to picket the Flint river and crossings from the Muscogee and Macon railroads to Albany, and three hundred men to Cuthbert, to be in readiness to move in any direction circumstances might render advisable; a small detachment was also sent to Columbus, Georgia.

General McCook, with five hundred men of his division, had been previously ordered to Tallahassee, Florida, for the purpose of receiving the surrender of the rebel troops in that State. A portion of his command at Albany was directed to picket the Flint river thence to its mouth. He was instructed to send out small scouting parties to the north and eastward from Thomasville and Tallahassee.

The troops occupied almost a continuous line from the Etowah river to Tallahassee, Florida, and the mouth of the Flint river, with patrols through all the country to the northward and eastward, and small detachments at the railway stations in the rear of the entire line.

It was expected that the patrols and pickets could discover the trail of Davis and his party, and communicate the intelligence by courier rapidly enough to secure prompt and effective pursuit.

The reports of Captain Hathaway, Lieutenant Colonel Harnden, and Colonel Minty will show how fully these expectations were realized.

Lieutenant Colonels Harnden and Pritchard are entitled to great credit for the zeal and activity with which they conducted the pursuit of Davis after they had obtained a certain clue to his movements. It is but simple justice to these worthy officers to say that they were both ignorant at the time of the capture that a reward had been offered for the fugitives. I have the honor to recommend, in view of all the facts, that medals of honor be presented to all of the officers and men of the first Wisconsin and fourth Michigan actually engaged in the pursuit south of Abbeville, and that the reward be equitably divided between those actually engaged in the capture, ample provision being made first for the families of the men killed and wounded in the unfortunate affair between the two regiments.

The cavalry, amounting to four or five thousand, which started with Davis, were paroled either by my command or that of Brevet Brigadier General Palmer.

I am, sir, very respectfully, your obedient servant,

J. H. WILSON, *Brevet Major General.*

Brigadier General WILLIAM D. WHIPPLE,

Chief of Staff and Assistant Adjutant General,

Headquarters Department of the Cumberland.

B.

HEADQUARTERS 4TH MICHIGAN CAVALRY,

Near Macon, Georgia, May 15, 1865.

MAJOR: I have the honor to report that on the 7th of May, at 4 p. m., Lieutenant Colonel Pritchard, with the effective force of the regiment, (435 men and 26 officers,) moved from camp on the Fort Valley road in a southeast direction, following it for four miles, and from thence on the Hawkinsville road. At mid-

night halted an hour for rest, then pushed forward as rapidly as possible till 10 o'clock a. m. on the 8th, when the command halted to feed and rest, which occupied till 2 o'clock p. m., when the march was resumed. Arrived at Hawkinsville, Georgia, at 5 o'clock, where it was expected supplies would be found sufficient for the command, but there were none. A detachment of the 72d Indiana militia infantry occupied the place, and were also picketing the Ocmulgee river. Taking the road southward toward Abbeville, Georgia, the command marched rapidly about four miles and encamped. The roads were good up to that point, and the country much better than subsequently seen. During the night it stormed very hard, and in the morning the roads were found in good condition for marching, except here and there where the swollen streams ran across the road. The command moved out at 5 o'clock a. m., marched as rapidly as possible; arrived at Abbeville at 2 o'clock p. m. Here Colonel Harnden, commanding a detachment of the 1st Wisconsin cavalry, was met, who informed Colonel Pritchard that he had been in pursuit of a train of several wagons and ambulances, belonging to Mr. Jefferson Davis and family, for several days. It had crossed the Ocmulgee river at Brown's ferry, near Abbeville, the previous night, and going into camp, remained till 4 a. m., then took the road to Irwinsville, Georgia, in the direction of which place Colonel Harnden moved with his detachment. Colonel Pritchard did not then intend taking up the pursuit, but obtaining information of a road about twelve miles below which led direct to Irwinsville, he determined to follow up and, if possible, intercept the train and party if they should attempt to take the other road or to arrive at Irwinsville in advance of them. Taking the best mounted portion of the regiment, (145 men and 8 officers,) leaving the balance under command of Captain Hathaway, with instructions to picket all the ferries on the river that could be found, as far as the strength of his command would permit, moved rapidly and about dark reached Wilcox's mills, from whence, after feeding, we took the direct road to Irwinsville and moved rapidly over a road that had been little travelled, and in some places could hardly be discovered. For fifteen miles not a house was seen nor a cultivated field; it was a vast pine forest. Arrived at Irwinsville at about 2 a. m. on the 10th instant. Not a sound was heard, and nothing indicated that a train or any troops had passed that way. By inquiring at one or two places, it was learned that there was a camp about a mile from town, on the Abbeville road. Men who belonged to it had called at different places, and represented themselves to be Texas and Mississippi troops. Nothing further could be learned as to whether there were wagons or not at the camp. Finding a negro who knew where the camp was, Colonel Pritchard moved forward toward it very cautiously, not knowing but what the camp might be that of the 1st Wisconsin cavalry, under Colonel Harnden. Arriving in the vicinity of the camp, a detachment of twenty men, dismounted, under command of Lieutenant Purinton, was sent around by the left flank to a position in its rear, when the command would advance and surround the camp. At daylight everything was complete, and the command advanced rapidly and found the camp to be that of those whom it was in pursuit of. They were completely surprised and captured. The detachment under Lieutenant Purinton, in the mean time, had taken a position on the road leading into camp from Abbeville, and immediately after it a force was espied approaching, which, when it had arrived in proper distance, he halted and challenged. One of the advance party answered "Friends," but instead of halting turned back, and in consequence a sharp engagement took place with what was afterwards ascertained to be the 1st Wisconsin cavalry. We had two men killed and one officer wounded. Three of the 1st Wisconsin cavalry were wounded.

The following are the names of the killed and wounded in this regiment and a list of the prisoners captured:

First Lieutenant H. S. Boutell, company C, wounded severely; Corporal John Hines, company E, killed; Private John Rupert, company C, killed.

List of prisoners captured.—Jefferson Davis, president Confederate States of America; John H. Regan, postmaster general Confederate States of America; Colonel Johnson, aide-de-camp, president's staff; Colonel Lubbock, aide-de-camp, president's staff; Colonel B. N. Harrison, private secretary; Major N. B. Mauvrin, Richmond battalion light artillery; Captain George N. Moody, Madison light artillery; Lieutenant Hathaway, 14th Kentucky cavalry; Midshipman Howell, Confederate States navy; Privates W. W. Monroe and J. Mesick, 14th Kentucky cavalry; Privates Sanders, Walbert, Baker, Smith, Heath, Elston, and J. W. Farley, 2d Kentucky cavalry; Privates J. G. Tyler and J. W. Brady, company C, 15th Mississippi infantry.

The family of Mr. Davis was captured with him. It consisted of Mrs. Davis with four little children, Miss Howell, sister of Mrs. Davis, and two waiting maids.

The regiment returned through Abbeville and Hawkinsville, arrived here on the 13th instant, having marched 200 miles, averaging 33½ per day.

I am, very respectfully, your obedient servant,

JNO. C. HATHAWAY,

Captain Commanding 4th Michigan Cavalry.

Major ROBERT BURNS,

Acting Assistant Adjutant General, Second Brigade,

Second Division, Cavalry Corps, M. D. M.

C.

HEADQUARTERS FIRST WISCONSIN CAVALRY,

Near Macon, Georgia, May 13, 1865.

GENERAL: I have the honor to report that, in compliance with your orders of the 6th instant, I marched from Macon at six o'clock on the evening of that day with one hundred and fifty men of the 1st Wisconsin cavalry, and proceeded to Jeffersonville, Twiggs county, leaving Lieutenant Hewitt with thirty men to watch the cross-roads at that place. I continued the march on to Thomas's cross-roads, Wilkinson county, where I learned that a large party of paroled men from General Johnston's army had just passed that point on their way home; some were armed and others were not, but all were mounted.

After feeding our animals, I continued on to Dublin, Lawrence county, (which point I was ordered to reach as soon as possible,) arriving there about 5 o'clock p. m., May 7, and encamped near the ferry across Oconee river, having marched a distance of fifty-five miles. At Dublin I learned from some negroes that a train of light wagons and ambulances had crossed the ferry during the day, and gone on the Jacksonville road, attended by an escort and having some very fine led horses; but the citizens of Dublin disclaimed all knowledge of there having been any train of wagons in that place. Later in the night I also learned from another negro that Jeff. Davis and wife were with the train. Here I left Lieutenant Lane with forty-five men to guard the ferry and patrol the roads. With the balance of my command I started at daylight in pursuit, on the Jacksonville river road. At Turkey creek bridge I learned that the train had taken the Telfair road, and from a woman I got the description of a man I thought must be Jeff. Davis.

From this place I sent a despatch to you, but I have since learned that the bearer was captured by the rebels, and taken thirty miles down into the pine woods, robbed of his horse, arms, and equipments, and then released. I found the trail of the wagons very indistinct, as the country was pine woods, poor and barren, and almost uninhabited. Here I impressed a guide who had heard of the wagons the evening before, and who led us away from the main road some

eleven miles to the place where the train had encamped the night before, between the forks of Alligator creek. After having fed the horses and taking a new guide, we again started in pursuit. At this point we were four hours behind them. Our way now led across the main Alligator creek, and through the swamps to the ford of Gum Swamp creek, Pulaski county, where I encamped, it being then after dark, and the trail too indistinct to follow. Distance marched this day forty miles.

On the 9th of May we started at 3 o'clock a. m. to Sugar creek, thence to Cypress creek, thence to Ocmulgee river, which we followed down a few miles in a dense swamp to Brown's ferry. In crossing my command an accident happened to the ferry-boat, causing a delay of two hours.

At this place I learned positively that Mr. Davis and family were the occupants of one of the ambulances in the train which we were following. Proceeding to Abbeville, Wilcox county, I fed the horses and learned that the train had left that place at 1 o'clock a. m., (May 9th,) in the direction of Irwinsville, Irwin county. I sent forward my command in that direction, going myself to meet Colonel Pritchard, who I learned was advancing with the 4th Michigan cavalry, on the Hawkinsville road. I informed the colonel of the train which I had been so long pursuing, and that Mrs. Davis and family were with it, and that Jeff. Davis himself was undoubtedly accompanying them, or not very far distant; also that my command had gone on towards Irwinsville in pursuit.

Colonel Pritchard then informed me that he was ordered to Abbeville with his regiment to watch for Jeff. Davis; at the same time tendered me some of his men, which I declined, as my force was sufficiently large, and I found it very difficult to obtain forage for the horses and subsistence for the men. Parting with Colonel Pritchard near Abbeville, I soon overtook my command, and after marching some ten miles from the last named town we discovered the camping ground of the train, so recently left that the fires were not yet gone out. I continued on in the direction of Irwinsville, through the pine woods, until about 9 o'clock p. m., when I halted, and, as we had no grain, ordered the horses to be grazed, and the men to be ready for an early start. At this time I felt certain that the train was near at hand, but fearing that if we came upon them in the darkness of that night Jeff. Davis and others might escape under cover of the night, I waited until 3 o'clock a. m., (May 10,) when I again started. After marching about one mile, possibly more, our advance guard, commanded by Sergeant Hussy, was halted by a party of men partly concealed behind trees. Supposing, of course, that we had run upon the rebel pickets, the Sergeant endeavored to retreat, when a heavy volley was fired upon his party, wounding three out of his seven men. Knowing that we were in the immediate vicinity of the rebels, and having no intimation of the presence of Union troops in that vicinity, (I understood from Colonel Pritchard that he was going into camp at Abbeville, which was over twenty miles in our rear), I immediately prepared to drive them back upon the train, and capture the whole command if possible. Advancing with ten men to ascertain the position and strength of the force opposing our further progress, we were again met with another heavy volley from the same unseen source. I then deployed my small force and advanced rapidly, forcing back the opposing force, when we captured a prisoner, who proved to be a member of the 4th Michigan cavalry, Colonel Pritchard commanding. All firing immediately ceased, when an explanation showed that, after parting with Colonel Pritchard at Abbeville, the Colonel had selected a portion of his best mounted men and pushed rapidly forward on the river road, thence by the way of House creek to Irwinsville, arriving there before the train; then came out to where the train was encamped, one mile from the town, and about two miles from our encampment; he, Colonel Pritchard, had sent a small force, dismounted, around to the rear of the train, and as his force moved upon the train from the Irwinsville side, we encountered his dismounted men within a short distance, only a few hundred yards, from the rebel camp. While the fight

was going on between my command and Colonel Pritchard's, a portion of his force captured the train, Jeff. Davis, and family.

The casualties in my command were three men severely wounded, several slightly wounded, and two horses killed. I regret to learn that the 4th Michigan had two men killed and one officer severely wounded. I sincerely regret the unfortunate collision, resulting in the death of two brave and noble soldiers, and the maiming of several more, but of the degree of culpability which attaches to my conduct in this matter others may decide.

After attending to the wounded as well as possible, transportation having been kindly furnished them by Colonel Pritchard, in captured ambulances, I returned to Macon as rapidly as the condition of my horses would permit, where I arrived in the forenoon of May 13, 1865.

I am, general, your obedient servant,

HENRY HARNDEN,

Lieut. Colonel, Commanding 1st Wisconsin Cavalry.

Brigadier General CROXTON,

Commanding 1st Division C. C., M. D. M.

HEADQUARTERS 2D BRIGADE, 1ST CAVALRY DIVISION, M. D.,
Macon, Georgia, May 14, 1865.

From this report it appears that Lieutenant Colonel Harnden faithfully discharged his duty, and no blame can attach to him in relation to the unfortunate collision between his detachment and Colonel Pritchard's, which he had every reason to believe remained at Abbeville. It is, however, a source of painful regret that the satisfaction experienced in this consummation is clouded by the knowledge that an act having every appearance of unsoldierly selfishness, in appropriating by deception the fruits of another's labor, and thus attaining unearned success, resulted in unnecessary bloodshed, and a sacrifice of lives for which no atonement can be made. What may have been intended merely as an act of bad faith towards a fellow-soldier resulted in a crime, and for this closing scene of the rebellion, inglorious in itself but historic by circumstance, it is difficult to repress a wish that accident had afforded the government a representative above suspicion.

Respectfully forwarded:

O. H. LA GRANGE,
Colonel Com'dg.

HEADQUARTERS 1ST DIVISION C. C., M. D. M.,
Macon, Georgia, May 15, 1865.

As an act of justice to all parties I recommend that this report, together with that of Lieutenant Colonel Pritchard, be forwarded to the Secretary of War, with the request that they be published in the Army and Navy Gazette.

Respectfully forwarded.

JNO. T. CROXTON,
Brigadier General Commanding.

HEADQUARTERS CAVALRY CORPS, MIL. DEPART. MISS.,
Macon, Georgia, May 19, 1865.

Justice to a brave and skilful officer impels me to say I do not think the strictures of Colonel La Grange warranted by the facts. Colonel Pritchard would have been more culpable had he have remained in camp, knowing the

object of his search had already passed on. I am unwilling to believe him intentionally guilty of any act unbecoming a good soldier.

Colonel Harnden and his command are certainly, on the other hand, entitled to a full share of the credit in apprehending Jeff. Davis, and in no way to blame for the collision between his own command and that of General Pritchard.

Respectfully forwarded ; the recommendation of General Croxton approved.

J. H. WILSON,
Brevet Major General.

D.

HEADQUARTERS SECOND DIVISION CAVALRY CORPS,
MILITARY DIVISION MISSISSIPPI,
Macon, Georgia, May 18, 1865.

MAJOR : On the evening of the 7th instant, the major general commanding directed me to make immediate arrangements to prevent the escape of Jeff. Davis across the Ocmulgee and Flint rivers, south of Macon.

I directed Lieutenant Colonel Pritchard, commanding the fourth Michigan cavalry, to march at six o'clock p. m., with his regiment, move as rapidly as possible to Spalding, Irwin county, and there establish his headquarters, leaving pickets at all fords and ferries between Hawkinsville and that place, and also to picket from there to the mouth of the Oconee river ; but if he found that Davis had already crossed the Ocmulgee, to follow and capture or kill him. I also sent one hundred and fifty men to Cuthbert, Randolph county.

The next morning I sent Lieutenant Colonel Howland, commanding second brigade, with the seventh Pennsylvania and third Ohio cavalry, to strengthen and extend the pickets as far down as the mouth of the Ochopee river.

At Abbeville Colonel Pritchard struck the trail of Davis and party ; this was reported to Colonel Howland, at or near Hawkinsville. He immediately sent Lieutenant Colonel Andress, with the best mounted men of his regiment, (the seventh Pennsylvania,) to co-operate with Colonel Pritchard, and taking the best mounted men of his own regiment, (third Ohio,) marched rapidly towards Albany, for the purpose of intercepting Davis if he attempted to escape in that direction.

Colonel Pritchard found a detachment of the first Wisconsin cavalry, under Lieutenant Colonel Harnden, on Davis's track ahead of him. He then took a circuitous route, and by marching until two o'clock a. m. on the 10th instant, succeeded in gaining Irwinsville, while Davis was in camp three-quarters of a mile north of that place. He immediately surrounded the camp, and shortly before daybreak closed in and captured the entire party. This had scarcely been accomplished when the first Wisconsin advanced from the opposite direction, and by an unfortunate mishap—each party mistaking the other for the enemy—a skirmish ensued, resulting in two men killed and one officer wounded in the fourth Michigan, and seven or eight wounded in the first Wisconsin.

Herewith I hand you the report of Captain Hathaway, commanding the fourth Michigan cavalry, (Colonel Pritchard having taken Mr. Davis to Washington,) together with a list of names of the officers and men engaged in the pursuit ; and also a list of those immediately engaged in the capture. In this latter list company H is not represented ; that company was in the advance in the pursuit, and south of Abbeville was detached to watch a ford on the Ocmulgee river.

In the despatch of the honorable the Secretary of War, mention is made of honorary medals, and the reward offered for the apprehension of Mr. Davis.

I would respectfully suggest that medals be conferred on all the officers and men engaged under Colonel Pritchard in the pursuit of the rebel president, and

that the reward be equally divided among the one hundred and fifty-three (153) officers and men immediately engaged in the capture.

I am, respectfully, your obedient servant,

ROBERT H. G. MINTY,
Colonel Commanding Division.

Major BEAUMONT,
*Assistant Adjutant General Cavalry Corps,
Military Division Mississippi.*

HEADQUARTERS CAVALRY CORPS,
MILITARY DIVISION MISSISSIPPI,
Macon, Georgia, May 9, 1865.

Respectfully forwarded : a comparison of the enclosed reports with that of Colonel Harnden, first Wisconsin cavalry, will show that Colonel Pritchard acted in good faith with Colonel Harnden. I must, therefore, and in view of all the facts, respectfully recommend that medals of honor be given to the officers and men of both regiments actually engaged in the pursuit south of Abbeville. In the distribution of the reward, the families of the two men killed should be amply provided for.

J. H. WILSON,
Brevet Major General.

MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES,
COMMUNICATING,

In compliance with a resolution of the Senate of December 12, 1866, information in relation to the appointment of persons to office since the adjournment of the last session of Congress, without the submission of the name of such person to the Senate for its confirmation.

FEBRUARY 2, 1867.—Read, ordered to lie on the table and be printed.

To the Senate of the United States:

The accompanying reports from the heads of the several executive departments of the government are submitted in compliance with a resolution of the Senate dated the 12th ultimo, inquiring "whether any person appointed to an office required by law to be filled by and with the advice and consent of the Senate, and who was commissioned during the recess of the Senate, previous to the assembling of the present Congress, to fill a vacancy, has been continued in such office and permitted to discharge its functions, either by the granting of a new commission or otherwise, since the end of the session of the Senate on the twenty-eighth day of July last, without the submission of the name of such person to the Senate for its confirmation; and particularly whether a surveyor or naval officer of the port of Philadelphia has thus been continued in office without the consent of the Senate; and if any such officer has performed the duties of that office, whether he has received any salary or compensation therefor."

ANDREW JOHNSON.

WASHINGTON, January 31, 1867.

DEPARTMENT OF STATE,

Washington, December 17, 1866.

The Secretary of State, to whom was referred the resolution of the Senate of the 12th instant, requesting the President to inform that body "whether any person appointed to an office required by law to be filled by and with the advice and consent of the Senate, and who was commissioned during the recess of the Senate, previous to the assembling of the present Congress, to fill a vacancy, has been continued in such office and permitted to discharge its functions, either by the granting of a new commission or otherwise, since the end of the session of the Senate on the twenty-eighth day of July last, without the submission of the name of such person to the Senate for its confirmation," &c., has the honor to state, in reply to that part of the resolution which relates to this department, that its records do not show that any person has been appointed to an office under its supervision or commissioned during the recess of the Senate to fill a vacancy, or otherwise, except such as have been nominated to the Senate at its present session.

Respectfully submitted,

WILLIAM H. SEWARD.

The PRESIDENT.

TREASURY DEPARTMENT,

December 22, 1866.

SIR : I transmit, herewith, the reply of this department to the resolution of the Senate of December 12, requesting you to inform that body "whether any person appointed to an office required by law to be filled by and with the advice of the Senate, and who was commissioned during the recess of the Senate previous to the assembling of the present Congress, to fill a vacancy, has been continued in such office, and permitted to discharge its functions, either by the granting of a new commission or otherwise, since the end of the session of the Senate on the twenty-eighth day of July last, without the submission of the name of such person to the Senate for its confirmation, and particularly whether a surveyor or naval officer of the port of Philadelphia has thus been continued in office without the consent of the Senate; and if any such officer has performed the duties of that office, whether he has received any salary or compensation therefor." The persons whose names appear on the enclosed statement were appointed during the recess of the Senate in 1865, and owing to clerical inadvertence their nominations were not submitted to the Senate during the last session, with the exception of Peter McGough and A. S. Cadwallader, they having been re-commissioned or others appointed in their places. The nomination of Mr. McGough is now before the Senate, and that of Nathan C. James in place of Mr. Cadwallader.

James L. Selfridge was appointed assessor of internal revenue, eleventh district Pennsylvania, July 14, 1865, *vice* Samuel Oliver, resigned.

Samuel P. Gary appointed assessor, fifth district of Wisconsin, June 6, 1865, *vice* G. Gary, resigned.

Thomas W. Tipton appointed assessor, Nebraska, July 10, 1865, *vice* J. H. Burbank, resigned.

Joseph E. Webster appointed assessor, second district of Georgia, July 1, 1865. New office; no predecessor.

William I. Phillips appointed assessor, second district of Texas, July 1, 1865. New office; no predecessor.

A. S. Cadwallader appointed collector, fifth district of Pennsylvania, *vice* J. W. Cowell, resigned, (September 13, 1865.)

Peter McGough appointed collector, twentieth district of Pennsylvania, March 27, 1865, *vice* W. F. Clarke, resigned.

William S. Ingham appointed assessor, third district of Missouri, April 7, 1865, *vice* C. B. Wilkinson, transferred to the sixth district under a new organization.

William A. Price appointed collector, sixth district of Missouri, October 1, *vice* C. B. Wilkinson, removed.

Alonzo M. Keeler appointed collector, fifth district of Michigan, November 27, 1865, *vice* D. Mussy, resigned.

In cases of resignations and removals, the incumbent has never been allowed to vacate the office until his successor had been appointed and qualified, when the books, papers, &c., pertaining to the office have been turned over by the retiring party to the new appointee, thus leaving the office at no time actually vacant.

Edward Wallace, naval officer, and E. Reed Myer, surveyor of the port of Philadelphia, were both originally confirmed by the Senate and commissioned for four years; the former July 26, 1861, and the latter July 27, 1861. Upon the expiration of these commissions, (occurring during the recess of the Senate in 1865,) they were reappointed to the offices by temporary commissions, as shown in the statement.

The nominations of these officers to the Senate at its last session were accidentally omitted, and upon the adjournment of that body and the discovery of the omission, they were again furnished with temporary commissions.

September 18, 1866, Joseph P. Flanigan was commissioned as naval officer, Edward Wallace, removed, and November 20, 1866, Joseph Severns was appointed surveyor in place of E. Reed Myer, resigned.

The enclosed reports from the First Comptroller and Commissioner of Customs are submitted as a reply to that portion of the resolution referring to the salary and compensation paid to the different officers of the internal revenue and customs, mentioned in the report.

I am, sir, very respectfully,

HUGH McCULLOCH,
Secretary of the Treasury.

The PRESIDENT.

Names of officers of the internal revenue appointed during the recess of the Senate in 1865, and whose names were withheld from the Senate in 1866, and they continued in office after the adjournment thereof.

APPOINTMENTS TO OFFICE.

Names.	Office.	District and State.	Date of ap- pointment.	In whose place.	Remarks.
J. L. Selfridge.....	Assessor...	Eleventh, Penn.....	July 14, 1865	— Oliver.....	Daniel H. Nieman appointed in his place Novem- ber 11, 1866.
Samuel P. Gary.....	do.....	Fifth, Wisconsin....	June 6, 1865	— Gary.....	Adolph Sorrenson appointed in his place Septem- ber 28, 1866.
Thomas W. Tipton.....	do.....	Nebraska.....	July 10, 1865	— Burbank....	Andrew S. Holliday appointed in his place Sep- tember 17, 1866.
Joseph E. Webster.....	do.....	Second, Georgia....	July 14, 1865	.....	Re-commissioned September 19, 1866.
William I. Phillips.....	do.....	Second, Texas.....	July 1, 1865	.....	Could not qualify. J. A. Henderson appointed in his place October 24, 1866.
A. S. Cadwallader.....	Collector...	Fifth, Penn.....	Sept. 13, 1865	— Cowell.....	Still in office.
Peter McGough.....	do.....	Twentieth, Penn....	Mar. 27, 1865	.....	Still in office.
William S. Ingham.....	do.....	Third, Missouri.....	April 29, 1865	New office.....	John M. Glover appointed in his place September 25, 1866.
William A. Price.....	do.....	Sixth, Missouri.....	Oct. 12, 1865	.... do.....	James W. Black appointed in his place Septem- ber 19, 1866.
Alonzo M. Keeler.....	do.....	Fifth, Michigan.....	Nov. 27, 1865	— Murphy.....	Seymour Brownell appointed in his place October 4, 1866.

OFFICERS OF THE CUSTOMS.

Edward Wallace.....	Naval offr...	Philadelphia, Penn..	July 26, 1865	Edward Wallace, (reappointed.)	Joseph R. Flanagan appointed in his place Sep- tember 18, 1866.
E. Reed Myer.....	Surveyor...	Philadelphia, Penn..	July 27, 1865	E. Reed Myer, (reappointed.)	Joseph Severns appointed in his place November 20, 1866.

The persons whose names appear on this list were appointed during the recess of the Senate in 1865, and owing to clerical inadvertence their nominations were not submitted to the Senate during the last session. With the exception of Peter McGough and A. S. Cadwallader they have been recommissioned or others appointed in their places. The nomination of Mr. McGough is now before the Senate, and that of Nathan C. James, *vice* Cadwallader.

TREASURY DEPARTMENT,
Comptroller's Office, December 18, 1866.

I have the honor to acknowledge the receipt of your letter of the 15th inst., enclosing copy of resolution of the Senate, calling for information relating to appointments to offices during the recess, their compensation, &c.; also showing such appointments as have been made under the internal rules, &c., and asking me to furnish at the earliest practicable information as this office may afford, to be used in reply.

In compliance with your request, I enclose herewith a statement containing the information; and I beg leave to refer you to my letter of the 14th inst., giving certain facts to be used in answer to Mr. Senator Edmunds's Secretary.

Respectfully, &c.,

R. W. TAYLER, *Comptroller.*

W. McCULLOCH,
Secretary of the Treasury.

TREASURY DEPARTMENT,
Comptroller's Office, December 14, 1866.

I have the honor to acknowledge the receipt of your letter of the 12th inst., enclosing one from Hon. George F. Edmunds, chairman of the Joint Select Committee on the Treasury, and requesting a statement of such facts as this office may be able to furnish, to be used as a reply to Mr. Edmunds's inquiries.

The inquiry asks whether, since the 9th day of February, 1863, any money has been paid from the treasury to any person acting or assuming to act in a civil, military, or naval, as salary in any office where such payment is authorized by some previously existing law, and whether any money during the same period, has been paid to any person appointed during the recess of the Senate to fill a vacancy in any existing office, which vacancy was not filled until the Senate was in session, and the incumbent of which office was not reappointed until after the Senate was in session, and the appointment required the advice and consent of the Senate, and the appointment has been confirmed by the Senate, or in any case in which the appointment never took place; and also asks the Secretary to communicate the name of each person thus receiving money from the treasury, the name of the office or duty for which the payment was made, the amounts of the money thus paid, and the names of each of the officers of the Treasury Department upon whose warrant or signature or authority the payment was made.

In answer to the inquiries of the committee, the Comptroller states that the records of this office do not show that any payment has been made in the cases referred to, and he has no personal knowledge of any such payment having been made.

The Comptroller does not intend to state that no payment of the character mentioned has been made, but only that if it has been, the records of the office do not show that it has been made, and that he has no knowledge of its having been made.

The commissions of officers are never exhibited to the Comptroller, nor are their appointments generally communicated to him. When oaths have been taken and bonds given they are generally made known to the Comptroller, and generally filed in his office, in cases subject to his supervision. Otherwise the facts are communicated to him from the proper office, and he usually assumes that an officer has been properly appointed and is entitled to the salary or compensation attached to the office after properly qualifying upon the discharge of its duties, unless the contrary appears;

and he cannot assume that a person appointed to office has been improperly appointed or is not entitled to compensation. Nor can he enter upon the inquiry in cases of appointments to fill vacancies, as to when or how the vacancy occurred. The record of appointments is not kept by the Comptroller, and he has no means of knowing when vacancies occur, or whether appointees have or have not been confirmed by the Senate. He can therefore but assume, when notice of an appointment is communicated to him in the usual way by the proper office, that the appointee, when properly qualified, is entitled to the compensation attached to the office.

In but one instance of a vacancy of the character named has the question of paying the officer been brought directly to the consideration of the Comptroller, and in that case the salary was withheld until after the Senate had confirmed the appointment at the next succeeding session.

In a few other cases of internal revenue officers the Comptroller learned, incidentally, that they had been appointed during the recess to fill vacancies existing during the previous session of the Senate, and therefore directed that their compensation should be withheld until the action of the Senate should have authorized its payment.

And the Comptroller has given direction generally that in all like cases coming to the knowledge of the clerks in his office, this course should be pursued; and he has no knowledge of any payment in conflict with the act of February, 1863.

Respectfully submitted :

R. W. TAYLER, *Comptroller.*

Hon. H. McCULLOCH,
Secretary of the Treasury.

APPOINTMENTS TO OFFICE.

Name.	Office.	District and State.	Period covered by allowance.	Salary allowed.	Commissions allowed.	Remarks.
J. L. Selfridge.....	Assessor....	Eleventh, Penn.....	July, 1866	\$123 00	} \$259 05	Commissions allowed on settlement of account from July 29 to September 30, 1866. D. H. Nieman, his successor, allowed salary from November 14, sixteen days, \$64.
Do	do.....	do.....	Aug., 1866	123 00		
Do	do.....	do.....	Sept., 1866	119 00		
Do	do.....	do.....	Oct., 1866	123 00		
Do	do.....	do.....	Nov., 1866			
Total.....				428 00	259 05	
S P. Gary.....	do.....	Fifth, Wisconsin....	July, 1866	123 00		No advance for pay of assessor or collector since that for August, 1866.
Do	do.....	do.....	Aug., 1866	123 00		
Total.....				246 00		
T W. Tipton.....	do.....	Nebraska.....				Salary of A. S. Holliday, his successor, \$119, allowed for November, 1866.
J. E. Webster.....	do.....	Second, Georgia.....	July, 1866	123 00		Salary allowed at \$2,500 per annum, and \$21 additional for July, 1866.
Do	do.....	do.....	Aug., 1866			
Do	do.....	do.....	Sept., 1866			
Do	do.....	do.....	Oct., 1866	880 00		
Do	do.....	do.....	Nov., 1866			
Total.....				1,003 00		
A. S. Cadwallader	Collector....	Fifth, Pennsylvania..	July, 1866	123 00	543 00	Commissions being on collections and deposits in June, 1866.

APPOINTMENTS TO OFFICE.

Name.	Office.	District and State.	Period covered by allowance.	Salary allowed.	Commissions allowed.	Remarks.
A. S. Cadwallader.....	Collector...	Fifth, Pennsylvania.	Aug., 1866	\$123 00	\$791 00	Commissions being on collections and deposits in July, 1866.
Do.....	do.....	do.....	Sept., 1866	119 00	791 00	Commissions being on collections and deposits in August, 1866.
Do.....	do.....	do.....	Oct., 1866	123 00	804 00	Commissions being on collections and deposits in September, 1866.
Do.....	do.....	do.....	Nov., 1866	119 00	* 698 00 655 00	Commissions being on collections and deposits in October, 1866.
			Total....	607 00	4,282 00	
† Peter McGough.....	do.....	Twentieth, Penn.....	July, 1866	123 00	816 00	Commissions being on collections and deposits for June, 1866.
Do.....	do.....	do.....	Aug., 1866	123 00	697 00	Commissions being on collections and deposits for July, 1866.
Do.....	do.....	do.....	Sept., 1866	119 00	752 00	Commissions being on collections and deposits for August, 1866.
Do.....	do.....	do.....	Oct., 1866	123 00	781 00	Commissions being on collections and deposits for September, 1866.
Do.....	do.....	do.....	Nov., 1866	119 00	697 00	Commissions being on collections and deposits for October, 1866.
			Total....	607 00	3,743 00	
‡ W. S. Ingham.....	do.....	Third, Missouri.....	July, 1866	123 00	437 00	No advance yet made to J. M. Glover, his successor.
Do.....	do.....	do.....	Aug., 1866	123 00	478 00	
Do.....	do.....	do.....	Sept., 1866	119 00	716 00	
			Total....	365 00	1,631 00	

W. A. Price.....	Aug., 1866	123 00	638 00	An advance of \$2,149 made to S. Brownell, his successor, for October and November expenses.
Do.....	do.....	do.....	Sept., 1866	119 00		
Do.....	do.....	do.....	Total.....	365 00	1,678 00	
A. M. Keeler.....	Fifth, Michigan.....	July, 1866	123 00	353 00	An advance of \$2,149 made to S. Brownell, his successor, for October and November expenses.
Do.....	do.....	do.....	Aug., 1866	123 00	30 00	
Do.....	do.....	do.....	Sept., 1866	119 00	317 00	
			Total.....	365 00	700 00	

* Balance due on compensation and expense account to June 30, 1866.

† Compensation and expense account adjusted November 21, 1866, for fiscal year ending June 30, 1866, and balance found due him thereon of \$3,029 31, which remains unpaid.

‡ Compensation and expense account adjusted October 27, 1866, for fiscal year ending June 30, 1866, and balance found due him thereon of \$2,727 57, which remains unpaid.

TREASURY DEPARTMENT, Comptroller's Office, December 18, 1866.

TREASURY DEPARTMENT,
Office of the Commissioner of Customs, December 17, 1866.

SIR: In answer to your letter of the 15th instant, making inquiry in regard to Edward Wallace, late naval officer, and E. Reed Myer, late surveyor of Philadelphia, Pennsylvania, I have the honor to report, that Mr. Edward Wallace continued to discharge the duties of naval officer up to the 30th of September last. His accounts have been adjusted to the 30th June, 1865; the remainder of his accounts from that time up to the end of his official term are unadjusted in the office of the First Auditor. Mr. E. Reed Myer remained in office until the 30th November last. His accounts have been adjusted to 30th June, 1865; the remaining portion of his accounts are in the First Auditor's office.

Both of these gentlemen have been allowed all the emoluments of their offices up to the time of the last adjustment by this office, viz., June 30, 1865.

Very respectfully, your obedient servant,

N. SARGENT,
Commissioner of Customs.

Hon. H. McCULLOCH,
Secretary of the Treasury.

DEPARTMENT OF THE INTERIOR,
Washington, December 18, 1866.

SIR: The Senate resolution of the 12th instant, requesting the President "to inform the Senate whether any person appointed to an office required by law to be filled by and with the advice and consent of the Senate, and who was commissioned during the recess of the Senate, previous to the assembling of the present Congress, to fill a vacancy, has been continued in such office and permitted to discharge its functions, either by the granting of a new commission or otherwise, since the end of the session of the Senate on the 28th day of July last, without the submission of the name of such person to the Senate for its confirmation; and particularly whether a surveyor or naval officer of the port of Philadelphia has thus been continued in office without the consent of the Senate; and if any such officer has performed the duties of that office, whether he has received any salary or compensation therefor," is before this department, by reference, for answer.

I have no knowledge of any such case as is contemplated by the resolution, having occurred in respect to any officer appointed by, connected with, or under the control of this department.

This department does not furnish the means of information as to the names of nominees submitted to or withheld from the Senate by the President, and I cannot, therefore, speak with absolute certainty; but I am not aware of any instance in which an officer, under the control of this department, who had been appointed in the recess of the Senate previous to the assembling of the present Congress and whose name was not submitted to the Senate at its last session for confirmation, "has been continued in such office and permitted to discharge its functions either by the granting a new commission or otherwise."

I have the honor to be, very respectfully, your obedient servant,

O. H. BROWNING,
Secretary of the Interior.

The PRESIDENT.

WAR DEPARTMENT, *Washington City, December 17, 1866.*

MR. PRESIDENT: In reply to so much of the Senate's resolution of December , respecting appointments to office required to be filled by and with the advice and consent of the Senate, &c., &c., hereto annexed, as pertains to this department, I have the honor to transmit herewith the Adjutant General's report of the 14th instant, containing the information desired.

Very respectfully, your obedient servant,

EDWIN M. STANTON, *Secretary of War.*

The PRESIDENT.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, December 14, 1866.

SIR: In obedience to your instructions, I have the honor to make the following report in reply to certain inquiries of the Senate addressed to the President and conveyed in their resolution of the 12th instant.

The records of this office have been carefully searched, but their examination has failed to elicit any case similar to that presented in the resolution. Since the adjournment of the thirty-eighth Congress no person, appointed to any office in the army or volunteer force, has been continued in such office without having been nominated to and confirmed by the Senate at the first session of the present Congress. There have been no exceptional cases, so far as full appointments are concerned. Appointments by brevet would hardly seem to be included among those concerning which these inquiries have been made, being offices yielding no profit to the incumbent by way of salary or emoluments. Several cases have occurred through inadvertence merely, in which officers receiving brevet appointments (during the recess) as an appreciation by the government of their gallant services during the war were omitted from the nomination list sent in to the Senate at their next session. In order, therefore, that the brevet promotion should not entirely fall, these appointments expiring by constitutional limitation on the last day of the next ensuing session of Congress, new letters of appointment have been issued to these officers. Their names now appear upon the list of nominations for brevet appointment sent in to the Senate by the President on the 11th instant, in order that the action of the Senate may be obtained upon them, and that, if confirmed, commissions in due form may be conferred upon them.

I am, sir, very respectfully, your obedient servant,

E. D. TOWNSEND,
Assistant Adjutant General.

Hon. EDWIN M. STANTON,
Secretary of War.

NAVY DEPARTMENT, *Washington, December 13, 1866.*

SIR: I have the honor to acknowledge the receipt of a copy of a resolution of the Senate, dated the 12th instant, requesting information of the President concerning the appointment of persons during the recess of Congress, required by law to be confirmed by the Senate, &c.

No appointments requiring confirmation by the Senate have been made since the adjournment of the last session of Congress.

Promotions of naval officers have been made in due course, as vacancies have occurred.

Very respectfully,

GIDEON WLELES, *Secretary of the Navy.*

The PRESIDENT.

ATTORNEY GENERAL'S OFFICE,
Washington, December, 14, 1866.

SIR: In answer to the inquiries in the following resolution of the Senate of the United States, passed December 12, 1866, and referred by you to this office, "*Resolved*, That the President be requested to inform the Senate whether any person appointed to an office required by law to be filled by and with the advice and consent of the Senate, and who was commissioned during the recess of the Senate previous to the assembling of the present Congress, to fill a vacancy, has been continued in such office, and permitted to discharge its functions, either by the granting of a new commission, or otherwise, since the end of the session of the Senate on the 28th day of July last, without the submission of the name of such person to the Senate for its confirmation; and particularly whether a surveyor or naval officer of the port of Philadelphia has thus been continued in office without the consent of the Senate; and if any such officer has performed the duties of that office, whether he has received any salary or compensation therefor," I have to say that no such cases as those described in the resolution have occurred, within the knowledge of this office.

I have the honor to be, with the greatest respect,

HENRY STANBERY,
Attorney General.

The PRESIDENT.

IN THE SENATE OF THE UNITED STATES, *December 12, 1866.*

Resolved, That the President be requested to inform the Senate whether any person appointed to an office required by law to be filled by and with the advice and consent of the Senate, and who was commissioned during the recess of the Senate previous to the assembling of the present Congress, to fill a vacancy, has been continued in such office, and permitted to discharge its functions, either by the granting of a new commission, or otherwise, since the end of the session of the Senate on the 28th day of July last, without the submission of the name of such person to the Senate for its confirmation; and particularly whether a surveyor or naval officer of the port of Philadelphia has thus been continued in office without the consent of the Senate; and if any such officer has performed the duties of that office, whether he has received any salary or compensation therefor.

Attest:
 Mr. TRUMBULL.

J. W. FORNEY, *Secretary.*

POST OFFICE DEPARTMENT,
January 15, 1867.

SIR: In answer to the foregoing resolution, (so far as relates to the action of this department,) I have the honor to transmit, herewith, a list of offices at which appointments of postmasters were made during the recess of the Senate, March 11, 1865, to December 4, 1865, which appointments appear not to have been sent to the Senate for confirmation, and the names of the postmasters at such offices who still discharge the duties thereof, as shown by the records of this department.

In many of these cases the commissions expired previous to the adjournment^t of the Senate in March, 1865, and nominations were not sent to the Senate by President Lincoln. The cases have been continued along, without your attention having been called to them, so far as I remember, during the last session of the present Congress. I append also a list of cases, now in the same condition, which were sent to the Senate at its last session, and not acted upon either in confirmation or rejection. I am now having them all prepared for your action and for the action of the Senate.

With very great respect, I am your obedient servant,

ALEX. W. RANDALL,
Postmaster General

The PRESIDENT.

List of post offices at which appointments were made during the recess of the Senate, March 11, 1865, to December 4, 1865, which appointments appear not to have been sent to the Senate for confirmation; and the names of postmasters at such offices who still discharge the duties thereof.

Office.	State.	Postmaster.	Date of appointment.
Boston	Massachusetts	John G. Palfrey	Appointed July 7, 1865.
Bath	New York	Ebenezer Ellis	Appointed July 12, 1865.
Fulton	do	Allan C. Livingston	Appointed July 12, 1865.
Goshen	do	Charles T. Jackson	Appointed April 11, 1865.
Bridgeton	New Jersey	Joseph S. Miner	Appointed April 26, 1865. Mr. Miner was not nominated to the Senate. On the 19th of July, 1866, Daniel B. Thompson was nominated to the Senate, but not confirmed. On the 28th of September, 1866, Samuel R. Fithian was appointed postmaster by the President. Fithian's commission suspended and Miner is now the acting postmaster.
Morristown	do	Alanson A. Vance	Reappointed July 14, 1865. On the 6th of May, 1866, Wm. E. Atno, jr., was nominated to the Senate by the President, in place of Vance, whose commission had expired. Mr. Atno, jr., was rejected by the Senate on the 13th of July, 1866. On the 17th of November, 1866, Albert H. Stanbrough was appointed postmaster at Morristown by the President, but his commission being suspended, Mr. Vance is now the acting postmaster.
Ashland	Pennsylvania	Levi C. Leib	Appointed July 28, 1865.
New Castle	do	David Emery	Appointed July 12, 1865.
Warren	do	Christian Smith	Appointed March 17, 1865. On the 23d of July, 1866, Leonard D. Crandall was nominated to the Senate by the President, as postmaster, but was not confirmed by that body. Mr. Smith is now the acting postmaster.
Tamaqua	do	Daniel Eveland	Appointed April 11, 1865. On the 23d July, 1866, John Sheifly was nominated to the Senate by the President as postmaster, and rejected by that body on July 27, 1866. Daniel Eveland appears on the books of the department as the acting postmaster, though it is said he has abandoned the office.
Hagerstown	Maryland	John Schleigh	Appointed July 7, 1865.
Finley	Ohio	Joseph B. Rothchild	Appointed August 4, 1865. On the 9th November, 1866, Cloys B. Wilson was appointed postmaster at Finley by the President, but his commission being suspended, Mr. Roth child is now the acting postmaster.
Ripley	do	Henry Biehn	Appointed April 11, 1865.
Pontiac	Michigan	Salmon S. Matthews	Appointed April 11, 1865.

Greensburg	do	Marine D. Tackett	Appointed July 20, 1865.
Lawrenceburg	do	James Vaughn	Appointed October 17, 1865.
New Albany	do	John M. Wilson	Appointed March 14, 1865.
Peru	do	James H. Fetter	Appointed July 7, 1865.
Shelbyville	do	John S. Campbell	Appointed June 16, 1865.
Charleston	Illinois	David C. Ambler	Appointed June 16, 1865.
Moline	do	George D. Gould	Appointed April 25, 1865, and not nominated to the Senate. On the 28th September, 1866, Henry E. Wells was appointed postmaster at Moline by the President, and his commission being suspended, Mr. Gould is at present in possession of the office.
Rockford	do	Anson S. Miller	Appointed March 14, 1865. On the 12th June, 1866, Jason Marsh was nominated to the Senate by the President as postmaster at Rockford, and rejected by that body on the 23d July, 1866. On the 5th October, 1866, Azro E. Goodwin was appointed postmaster by the President; and Goodwin's commission being suspended, Mr. Miller remains in charge of the office.
Cape Girardeau	Missouri	Lewis F. Klosterman	Appointed July 7, 1865.
Columbia	do	Mrs. Ann Gentry	Reappointed April 21, 1865. On the 1st November, 1866, Paul Hubbard was appointed postmaster at Columbia by the President, but his commission being suspended, Mrs. Gentry is still the acting postmaster.
Jefferson City	do	Allen P. Richardson	Reappointed July 7, 1865.
Pilot Knob	do	Ferdinand Schnitz	Appointed July 7, 1865.
St. Charles	do	Albert H. Edwards	Appointed March 17, 1865.
Lexington	do	John B. Alexander	Reappointed June 16, 1865. On the 19th July, 1866, H. K. Davis was nominated to and rejected by the Senate on the 27th July, 1866; Mr. Alexander still holds the office.
Napoleon	Arkansas	William Robertson	Appointed October 17, 1865.
Columbus	Kentucky	James M. Moore	Appointed July 7, 1865.
Mount Sterling	do	James Howard	Appointed July 7, 1865.
Munfordville	do	David T. Moneypenny	Appointed November 14, 1865.
Shelbyville	do	William Standeford	Appointed March 17, 1865.
Chattanooga	Tennessee	Elbert A. James	Appointed July 18, 1865.
Parkersburg	West Virginia	James M. Boreman	Reappointed July 7, 1865. On the 12th July, 1866, J. C. Walker was nominated to the Senate, but not confirmed by that body as postmaster at Parkersburg. Mr. Boreman still holds the office.
Virginia City	Montana Territory	James Gibson	Appointed April 11, 1865.
Cohoes	New York	Izrahiah W. Cheesebro	Appointed May 2, 1865. On the 16th of June, 1865, J. H. Masten was appointed postmaster in place of Cheesebro, but his name was not sent to the Senate. On the 25th of July, 1866, Mr. Izrahiah W. Cheesebro was nominated to the Senate as postmaster by the President, and rejected by that body on the 27th of July, 1866. On the 19th October, 1866, Samuel D. Trull was appointed postmaster, and his commission being suspended, Masten is now acting postmaster.

List of nominations sent to the Senate by the President for confirmation, and not acted on by that body.

Crandall, L. D., Warren, Pennsylvania, nominated to Senate July 23, 1866.

Dunn, Michael, Fort Leavenworth, Kansas, nominated to Senate July 10, 1866.

Gibson, James, Virginia City, Montana, nominated to Senate April 18, 1866, and withdrawn April 26.

Gash, Henry W., Macomb, Illinois, nominated to the Senate May 1, 1866, and withdrawn June 4th.

Green, Henry A., Jersey City, New Jersey, nominated to the Senate July 20, 1866.

Ireland, Thomas, Annapolis, Maryland, nominated to the Senate April 10, 1866.

Marsh, H. C., Muncie, Indiana, nominated to the Senate March 21, 1866.

Merrill, Edwin S., Winchendon, Massachusetts, nominated to the Senate July 23, 1866.

McDowell, J. A., nominated to the Senate July 27, 1866.

Newman, A. G., Columbia, Missouri, nominated to the Senate February 6, 1866.

Osborn, John, Greencastle, Indiana, nominated to the Senate May 1, 1866, reported May 18th, and withdrawn May 22d.

Oliver, J. B., Rahway, New Jersey, nominated to the Senate July 10, 1866, and withdrawn July 20th.

Rosseline, Charles, nominated to the Senate July 27, 1866.

Starr, H. A., Milwaukee, Wisconsin, nominated to the Senate May 23, 1866, and withdrawn June 4th.

Smith, Elhanan, Towanda, Pennsylvania, nominated to the Senate July 23, 1866.

Shelley, John W., Hornellsville, New York, nominated to the Senate July 26, 1866.

Taylor, J. E., nominated to the Senate July 27, 1866.

Walker, J. C., Parkersburg, West Virginia, nominated to the Senate June 13, 1866.

Williams, D. J., nominated to the Senate July 27, 1866.

Hutchinson, W. S., Columbia, California, nominated to the Senate July 17, 1866.

Biehn, Henry, Ripley, Ohio, nominated to the Senate July 23, 1866.

LETTER
OF
THE SECRETARY OF WAR,
COMMUNICATING,

in compliance with a resolution of the Senate of the 30th ultimo, the official reports, papers, and other facts in relation to the causes and extent of the late massacre of United States troops by Indians at Fort Phil. Kearney.

FEBRUARY 2, 1867.—Read and referred to the Committee on Military Affairs and the Militia.

FEBRUARY 5, 1867.—Committee discharged, referred to the Committee on Indian Affairs, and ordered to be printed.

WAR DEPARTMENT,
Washington City, February 2, 1867.

SIR: I have the honor to transmit herewith a communication of this date from General Grant covering all official reports, papers, and others facts bearing on the subject of the late massacre of United States troops by Indians at Fort Phil. Kearney, called for by the Senate's resolution of January 30, 1867.

Very respectfully, sir, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. L. F. S. FOSTER,
President of the Senate.

HEADQUARTERS ARMIES OF THE UNITED STATES,
Washington, February 2, 1867.

SIR: I have the honor to return Senate resolution calling for information "which may tend to explain the origin, causes, and extent of the late massacre of the United States troops by Indians at or near Fort Phil. Kearney, in Dakota Territory," and referred by you to me for report. I send herewith "all official reports, papers, and other facts," in possession of these headquarters, bearing upon the subject.

I am, very respectfully, your obedient servant,

U. S. GRANT, *General.*

Hon. E. M. STANTON,
Secretary of War.

HEADQUARTERS DEPARTMENT OF THE PLATTE,
Omaha, Nebraska, December 26, 1866.

GENERAL: On the 21st instant three (3) officers and ninety (90) men, cavalry and infantry, were massacred by Indians very near Fort Philip Kearney.

Indians reported near three thousand, (3,000,) probable, from the completeness of the massacre.

I order up four (4) companies of infantry and two (2) of cavalry from Laramie.

I order Colonel Carrington to Casper, headquarters of the new eighteenth; if not approved I request the assignment of General Wessels at Reno to his brevet rank, to command district.

Just received at least five "leaves of absence" of officers of these troops. It is important that all these officers be ordered to join.

Brevet Lieutenant Colonel Fetterman, Captain Brown, and Lieutenant Grummond, are the officers killed; not a man was left alive.

Sent direct in General Sherman's absence.

Shall report by mail.

P. ST. GEORGE COOKE,
Brevet Major General, Commanding.

Major General JOHN A. RAWLINS,
Chief of Staff.

Official copy :

E. S. PARKER,
Colonel and A. D. C.

[Telegram.]

HEADQUARTERS ARMIES OF THE UNITED STATES,
Washington, December 26, 1866.

General Grant desires me to say that your despatch of to-day is received. Your action in Colonel Carrington's case is approved; and if you deem it still necessary you are authorized to assign General Wessells as proposed. Suspend all leaves of absence until you think they can be safely granted.

C. B. COMSTOCK,
Brevet Brig. Gen. and A. D. C.

General P. ST. GEO. COOKE, *Omaha.*

Official copy :

E. S. PARKER,
Colonel and A. D. C.

[Received at office United States military telegraph, War Department, Washington, D. C. December 26, 1866.]

FORT PHIL. KEARNEY, D. T., *December 21, 1866,*
By courier to Fort Laramie, December 26.

GENERAL : I send copy of despatch to General Cooke simply as a case where in uncertain communication I think you should know the facts at once. I want all my officers. I want men. Depend upon it, as I wrote in July, no treaty but hard fighting is to assure this line. I have had no reason to think otherwise. I will operate all winter, whatever the season, if supported; but to redeem my pledge to open and guarantee this line I must have re-enforcement and the best of arms up to my full estimate.

Respectfully, your obedient servant,

HENRY B. CARRINGTON.

U. S. GRANT.

Official :

E. S. PARKER,
Colonel and A. D. C.

Copy forwarded to Secretary 27th.

Copy of telegram to General Cooke.—Received at office of United States military telegraph, War Department, Washington, D. C., December 26, 1866—3.15 p. m.]

FORT PHIL. KEARNEY, D. T., *December 21, 1866,*
By courier to Fort Laramie, December 26.

D., send me reinforcements forthwith. Expedition now with my force is impossible. I risk everything but the post and its store. I venture as much as any one can, but I have had to-day a fight unexampled in Indian warfare. My loss is ninety-four (94) killed. I have recovered forty-nine bodies, and thirty-five more are to be brought in in the morning that have been found. Among the killed are Brevet Lieutenant Colonel Fetterman, Captain F. H. Brown, and Lieutenant Grammond. The Indians engaged were nearly three thousand, (3,000,) being apparently the force reported as on Tongue river in my despatches of the 5th of November and subsequent thereto. This line, so important, can and must be held. It will take four times the force in the spring to reopen if it be broken up this winter. I hear nothing of my arms that left Leavenworth September 15. Additional cavalry ordered to join have not reported their arrival. Would have saved us much loss to-day. The Indians lost beyond all precedent. I need prompt re-enforcements and repeating arms. I am sure to have, as before reported, an active winter, and must have men and arms. Every officer of this battalion should join it to-day. I have every teamster on duty, and, at best, one hundred and nineteen left at post. I hardly need urge this matter; it speaks for itself. Give me two companies of cavalry, at least, forthwith, well armed, or four companies of infantry, exclusive of what I need at Reno and Fort Smith. I did not overestimate my early application; a single company, promptly, will save the line; but our killed show that any remissness will result in mutilation and butchery beyond precedent. No such mutilation as that to day is on record. Depend on it that this post will be held so long as a round or man is left.

Promptness is the vital thing. Give me officers and men. Only the new Spencer arms should be sent. The Indians desperate, and they spare none.

HENRY B. CARRINGTON,
Colonel 18th Infantry, Commanding.

General U. S. GRANT.

Copy forwarded to Secretary 27th December.

Official:

E. S. PARKER,
Colonel and A. D. C.

[Telegram.]

HEADQUARTERS ARMIES OF THE UNITED STATES,
Washington, December 27, 1866.

General Grant desires me to forward the accompanying telegram from General Cooke, and to say that General Cooke's action in Colonel Carrington's case has been approved; that General Cooke has been authorized to assign General Wessels as proposed, if he still deems it necessary; and also to suspend all leaves of absence.

C. B. COMSTOCK,
Brevet Brigadier General, A. D. C.

Gen. W. T. SHERMAN, *St. Louis.*

Official copy:

E. S. PARKER,
Colonel and A. D. C.

[Received at office United States military telegraph, War Department, Washington, D. C.
December 26, 1866.]

FROM OMAHA, *December 26, 1866.*

On the 21st instant three (3) officers and ninety (90) men, cavalry and infantry, were massacred by Indians very near Fort Philip Kearney. Indians reported near three thousand, probably, from the completeness of the massacre. I order up four (4) companies of infantry and two (2) of cavalry from Laramie. I order Colonel Carrington to Casper, headquarters of the new eighteenth. If not approved, I request the assignment of General Wessels at Reno, at his rank, to command the district. Just received at least five leaves of absence of officers of these troops. It is important that all these officers be ordered to join. Send direct in General Sherman's absence. Brevet Lieutenant Colonel Fetterman, Captain Brown, and Lieutenant Grammond, are the officers killed. Not a man was left alive. Shall report by mail.

P. S'T. GEO. COOKE,
Brevet Major General, Commanding.

Gen. J. A. RAWLINS, *Chief of Staff.*

Official :

E. S. PARKER,
Colonel and A. D. C.

[Telegram.]

HEADQUARTERS ARMIES OF THE UNITED STATES,
Washington, December 28, 1866.

General Grant requests that you will furnish him with any additional information you may receive in reference to the Fort Philip Kearney massacre, and if there has been fault in the matter, that you will have it strictly investigated.

C. B. COMSTOCK,
Brevet Brigadier General, A. D. C.

Gen. W. T. SHERMAN, *St. Louis.*

Official copy :

E. S. PARKER,
Colonel and A. D. C.

[Received at office United States military telegraph, War Department, Washington, D. C.
December 28, 1866—4.45 p. m.]

ST. LOUIS, *December 28, 1866.*

GENERAL: Just arrived in time to attend the funeral of my adjutant general Sawyer. I have given general instructions to General Cooke about the Sioux. I do not yet understand how the massacre of Colonel Fetterman's party could have been so complete. We must act with vindictive earnestness against the Sioux, even to their extermination, men, women and children. Nothing less will reach the root of this case.

W. T. SHERMAN,
Lieutenant General.

U. S. GRANT.

Official :

E. S. PARKER,
Colonel and A. D. C.

[Received at office United States military telegraph, War Department, Washington, D. C.,
December 29, 1866—3 p. m.]

ST. LOUIS, *December 29, 1866.*

GENERAL: Your despatch of yesterday is received. I have another despatch from General Cooke, but nothing more definite as to the Fort Phil. Kearney massacre. A heavy snow storm is prevailing west of Omaha, and cuts off communication. I will have the matter fully investigated. In the meantime the Indians must be pursued and punished. General Cooke asks for a regiment of cavalry and one of infantry. I will see if the two new colored regiments, now organizing in General Hancock's department, can be made available by April 1; if not, I may have to ask some help from General Grant. Please ascertain of him if he has any troops he could spare this spring, as we must not overlook this case, but must pursue and punish at all hazards. The posts in that quarter are strong and well supplied; but it is reported the Sioux have three thousand (3,000) warriors, well armed, and their country is very difficult to operate in.

W. T. SHERMAN,
Lieutenant General.

(General C. B. COMSTOCK, *Aide-de-Camp.*

Official:

E. S. PARKER,
Colonel and A. D. C.

[Special Orders No. 126.]

HEADQUARTERS DEPARTMENT OF THE PLATTE,
Omaha, Nebraska, December 26, 1866.

I. The following telegraphic orders of this date are hereby confirmed:

Brevet Brigadier General J. N. Palmer, commanding Fort Laramie, will send from the garrison of that post two companies of the 2d cavalry and four companies of the 18th infantry, to report to Brevet Brigadier General Wessells at Fort Reno.

II. Brevet Brigadier General Wessells will proceed with the re-enforcements and assume command of Fort Philip Kearney, and will also have authority to order such movements of the troops at Forts Reno and C. F. Smith as he may find necessary. The commanding officers at Forts Reno and C. F. Smith will obey all orders they may receive from Brevet Brigadier General Wessells.

III. Colonel H. B. Carrington, 18th United States infantry, will be relieved from the command of Fort Philip Kearney, by Brevet Brigadier General Wessells, and will proceed immediately to Fort Casper, to which post the headquarters of the new 18th regiment have been heretofore ordered, and assume command of the post and that regiment.

IV. Brevet Lieutenant Colonel J. K. Mizner, commanding Fort McPherson, will send promptly two of his companies to take post at Fort Laramie.

V. Brevet Major General John Gibbon, commanding Fort Kearney, will send immediately one company of his command to take post at Fort McPherson.

VI. Captain George O. Sokalski, 2d United States cavalry, will proceed to-day, taking railroad and mail conveyances (and without stop) to Fort Laramie, Dakota Territory, reporting, on arrival, to the commanding officer of his regiment, with a view to joining his company, "C," with the least practicable delay.

The quartermaster's department will furnish the necessary transportation.

By command of Brigadier and Brevet Major General Cooke:

H. G. LITCHFIELD,
Brevet Major United States Army, A. D. C.

Official:

E. S. PARKER,
Colonel and A. D. C.

[Telegram.]

FORT LARAMIE, *December 2'*

Orders to command Fort Reno issued yesterday; the most violent storm now raging; there would be nothing gained by moving in such storm; meantime all preparations which can be made in-doors are going on. Indian messenger, just in to see the Indian agent, gives the following information. He says there is a grand coalition of Indian tribes north, to the number of ten thousand (10,000) to twelve thousand (12,000) fighting men; they are united on a common cause against the whites; twelve (12) tribes are enumerated, somewhat improbable, because tribes deadly hostile to each other are included, and such large numbers can't live together; not enough for them to occupy the country.

J. N. PALMER, *Comm*

Major H. G. LITCHFIELD,
Assistant Adjutant General.

Official:

E. S. PARKER
Colonel and A

HEADQUARTERS DEPARTMENT OF THE PL.
Omaha, Nebraska, December 2

GENERAL: I communicated yesterday by telegraph the disastrous result of the attack on Fort Philip Kearney. I enclose a copy of Colonel Carrington's telegram. His officer's letter states not one escaped. December 6, a severe skirmish took place a few miles from that post, when Lieutenant Bingham, second cavalry, and Bowers, eighteenth infantry, were killed, and one sergeant and four privates wounded, (and eight horses killed and wounded.) December 11, a private was killed in sight of Fort Reno. I shall enclose several messages in relation to Colonel Carrington as bearing on my subject matter. Colonel Carrington's statement that, with teamsters, he had, December 21, "but one hundred and twenty men left in the fort," requires the statement that his December 10 report gave an aggregate present of four hundred and seventy-five.

My special orders to meet this occasion have been mailed to you, (as a matter of course.) The six companies ordered forward will have the duties of re-opening communication with Fort C. F. Smith—re-enclosing the route besides Fort Philip Kearney. Deficiency of troops, the season, and the want of supplies at the upper posts, together, do not admit of more being sent. They will do, and be able to carry out my telegraphic instructions to Major Wessells, viz: "I expect you to make Reno safe, with power to forward and to proceed with all other of the six companies ordered to you. I hope regular communication can be kept with Fort C. F. Smith, and that you may be able to chastise Indians who may insult the posts; but with discretion. The officers are not equal to their stratagems in the broken ground they know so well; their numbers, it seems now certain, are so very superior."

Colonel Carrington is very plausible—an energetic, industrious man; but it is too evident that he has not maintained discipline, and his officers have no confidence in him. Some of his acts *officially reported*—shelling woods when Indians had appeared on a previous day may have done more to settle his appreciation by Indians.

Major Van Voast volunteered to lead a short winter expedition of six companies, which I approved in the abstract, but when he communicated the information, plans, &c., I found it would be too far, (one hundred miles from Reno;) his force too small; all too uncertain for the risk and suffering.

I have always understood that about the first grass the Indian ponies are unserviceable. I think it will be practicable to attack them about the 1st of May; that an additional regiment both of cavalry and infantry will be the *least* needed, and that they can be placed at Fort Laramie about the 1st of April. At that time they will be able to go by steam within about one hundred and fifty miles.

I think it will be practicable, as well as very important, that the immigration to Montana, our best new Territory of arable land as well as precious metals, should not be interrupted by this best route.

You will observe Colonel Carrington asks for *Spencer* arms for infantry. Some of his men have used them mounted, and have since felt the inferiority of the muzzle-loading arms. In fact, I have had an official report of a cattle guard excusing themselves for not firing on attacking Indians; that if they fired, the Indians having revolvers, they would be defenceless. They *have* revolvers, and it comes to this, that the savages are better armed than the troops. I therefore earnestly recommend that breech-loading Springfield muskets be now furnished for all these troops. I found that even the cavalry were generally unfurnished with revolvers; and a telegraphic requisition for a supply for five companies, with an implied consent of General Dyer, of November 6, has not yet resulted in their being received or heard from.

Very respectfully, your obedient servant,

P. ST. GEO. COOKE,
Brevet Major General Commanding.

General J. A. RAWLINGS,
Chief of Staff of General Commanding, Washington.

HEADQUARTERS UNITED STATES ARMY,
February 1, 1867.

Official copy :

E. S. PARKER,
Colonel and A. D. C.

[Telegram.]

FORT PHILIP KEARNEY, *December 21, 1866.*

Do send me reinforcements forthwith. Expedition now with my force is impossible; I risk everything but the post and its stores; I venture as much as any one can, but I have had to-day a fight unexampled in Indian warfare; my loss is ninety-four killed.

I have recovered forty-nine bodies, and thirty-five more are to be brought in in the morning, that have been found. Among the killed are Brevet Lieutenant Colonel Fetterman, Captain F. H. Brown and Lieutenant Grammond. The Indians engaged were nearly three thousand, being apparently the force reported as on Tongue river, in my despatches of 5th November and subsequent thereto. This line, so important, can and must be held; it will take four times the force in the spring to reopen it, if it be broken up this winter. I hear nothing of my arms that left Leavenworth, September 15. The additional cavalry ordered to join me has not reported; their arrival would have saved us much loss to-day.

The Indians lost beyond all precedent. I need prompt re-enforcements and repeating arms. I am sure to have, as before reported, an active winter, and must have men and arms. Every officer of this battalion should join it. To-day I had every teamster on duty and but one hundred and nineteen men left at post. I hardly need urge this matter, it speaks for itself. Give me two companies of

cavalry, at least, forthwith, well armed, or four companies of infantry, exclusive of what is needed at Reno and Fort Smith.

I did not over-estimate my early application a single company. Promptness will save the line; but one hundred killed shows that any remissness will result in mutilation and butchery beyond precedent. No such mutilation as that to-day is on record. Depend upon it that the post will be held so long as a round or a man is left. Promptness is the vital thing. Give me officers and men only; the new Spencer arms should be sent; the Indians are desperate; I spare none and they spare none.

HENRY B. CARRINGTON.

Colonel Eighteenth Infantry.

Brevet Major General P. ST. GEORGE COOKE,
Commanding Department.

HEADQUARTERS ARMY UNITED STATES.

February 1, 1867.

Official copy :

E. S. PARKER,
Colonel and A. D. C.



[Telegram.]

HEADQUARTERS DEPARTMENT OF THE PLATTE,
Omaha, Nebraska, September 27, 1866.

Colonel H. B. CARRINGTON,

Fort Philip Kearney, Dakota Territory :

Your long telegram and others of 17th instant received; also copy of Major Van Voast's letter of September 22, to you. You must have corn before this in plenty. It is impossible to take the offensive this season, except you can manage to surprise Red Cloud in winter camps by infantry.

Two or three hundred infantry, with much suffering, perhaps, might thus accomplish more than two thousand troops in summer.

I have reason to believe there are whites with the Indians—never spare them. You can only defend yourself and trains, and emigrants, the best you can. There are so many conditions and circumstances connected with Fort C. F. Smith I am ignorant of, I cannot order or advise; only at the worst you can recall its garrison, and in such case strengthen Reno.

Having one company of cavalry you can probably dispense with your ninety-four horses, after mounting all the cavalry men. They could be used for cavalry at Laramie. The same as to any useless horses at C. F. Smith and Reno.

General Myers telegraphs about Bailey's party and wages. Cartridges attended to.

P. ST. GEO. COOKE,
Brevet Major General Commanding.

Official :

E. S. PARKER,
Colonel and A. D. C.

HEADQUARTERS DEPARTMENT OF THE PLATTE,
Omaha, Nebraska, December 28, 1866.

GENERAL: By direction of the general commanding you will, upon arrival at Fort Philip Kearney, make a thorough investigation of the circumstances connected with the massacre on the 21st instant, near that post, and make full

report of the same to these headquarters. While this investigation is considered important you are not to permit its prosecution to interrupt military duties of still greater moment.

I have the honor to be, very respectfully, your obedient servant.

H. G. LITCHFIELD,
Brevet Major U. S. A., Aide-de-Camp.

Official :

_____,
Colonel and A. D. C.

Brevet Brigadier General H. W. WESSELLS,
United States Army, Commanding Mountain District.

WASHINGTON, *January 14, 1867.*

General Augur left last evening for Omaha, *via* St Louis. Are you having an investigation into the Fort Phil. Kearney massacre? A report will probably be called for, and it is important that we should know all that can be learned about it as soon as possible.

U. S. GRANT, *General.*

Lieutenant General W. T. SHERMAN, *St. Louis, Missouri.*

Official :

E. S. PARKER,
Colonel and A. D. C.

HEADQUARTERS DEPARTMENT OF THE PLATTE,
Omaha, Nebraska, January 14, 1867.

GENERAL: I have received to day Lieutenant General Sherman's despatch of this date, which, after giving General Grant's, says to me: "General, I want a thorough investigation and report of the whole matter; and to fulfil General Grant's inquiries, I wish you to send me by mail at once your (my) version of the affair based on the facts known, and your (my) judgment of the probabilities."

December 28, I ordered Brevet Brigadier General Wessels, then assigned to command of the district including Fort Phil. Kearney, to make a "thorough investigation" as now required, a copy I enclose. It was sent by telegraph to Fort Laramie, the nearest available office, 157 miles from Fort Reno, where General Wessells was in command, 66 miles this side of Fort Philip Kearney. He could make no investigation before reaching Fort Phil. Kearney. His march there depended on the arrival of re-enforcements from Fort Laramie, ordered by telegraph December 26, but which, owing to "blinding snow storms," &c., only marched January 3, and it is believed arrived at Fort Reno January 11, instant. This recital shows the impossibility of obtaining from so remote a post, with communication temporarily suspended, reports so soon as desired and expected. The law forbids me to order a court of inquiry, and I am not aware of my power to order any other investigation than I have already done.

I have just received telegram from Fort Laramie, dated 12th, stating a mail carrier had arrived from Fort Philip Kearney; the first communication since the day of the massacre, which brought Colonel Carrington's report (which I mailed to you) and it brings me nothing. I have telegraphed an inquiry for information to General Palmer. Thus uninformed, I have no "version" of the affair. It remains to me to comply with the call for my "judgment of the probabilities." The probabilities must be founded on my orders, Colonel Car-

rington's reports, and my knowledge of the previous events, and the conduct of the commander and the troops.

First, I enclose copies (A and B) of instructions of September 27 and November 12, 1866. Colonel Carrington has, before December 21, made no expedition against Indians; all his skirmishes have been with war parties attacking his supply trains, or appearing in sight of the fort. I am informed that on these occasions it was the custom of officers and men to sally forth, mounted or afoot, much at their discretion, and in confirmation of this, I enclose (C) a report of Brevet Lieutenant Colonel Fetterman of the affair of December 6. He says, when his command of thirty men reached the wood party surrounded by Indians four miles from the post, he was joined by Captain F. H. Brown, 18th United States infantry, with a couple of mounted infantry, who had already started for the relief of the train, and was overtaken by Second Lieutenant A. H. Wanda, 18th United States infantry.

I enclose, finally, an important account (D) which would be supposed to have important bearing, a despatch from Colonel Carrington of December 19, two days before the massacre, indicating a detachment and expedition, and proving that he felt strong enough to take the offensive.

The size and composition of the party massacred indicate that they were all mounted cavalry and infantry to just the number of horses in hands of infantry. All my suggestions of the offensive in winter to Colonel Carrington laid stress upon using infantry. Assuming, then, that Colonel Carrington did not disobey in spirit [How about the infantry?] and in letter my instructions as to expeditions, my judgment of the probabilities is, that on the 21st December hostile Indians, in number between 1,500 and 3,000, formed an ambush within five or six miles of Fort Phil. Kearney; that they sent a party to decoy the garrison; that all the available horses (which I believe were kept saddled) were mounted, and that hastily and irregularly they sallied out to engage or pursue; that the Indians skillfully managed to lead the pursuit of the whole into ground selected as forbidding escape; and that there, by so greatly superior numbers, the troops were surrounded and massacred, no quarter asked or given.

I am, sir, very respectfully,

P. ST. GEORGE COOKE,
Brevet Major General Commanding.

Brevet Major General W. A. NICHOLS,
A. A. Gen. Division of Missouri, St. Louis, Mo.

Official :

_____,
Colonel and A. D. C.

[Received at office United States military telegraph, War Department, Washington, D. C.,
January 17, 1867—4.30 p. m.—from St. Louis, Mo., January 17, 1867.]

To General U. S. Grant :

The subjoined telegram has this moment been received :

"Omaha, January 7, 1867. Lieutenant General W. T. Sherman : Following despatch just received : 'Fort Phil. Kearney, January 4. To Adjutant General Department of the Platte : The mail takes full report of fight December 21. All bodies received. Severe cold and drifting snows, with mercury once at twenty-two degrees below zero, have so far prevented further Indian depredations. Their losses may also explain this. The facts disclosed show that the detachment was several miles from the wood train. They were sent to relieve, and pushed over Lodge Trail ridge in order of pursuit, after orders

three times given not to cross that ridge. I found Lieutenant Grammond's body; also, Fetterman and Brown—evidently shot each other. Signed, H. B. Carrington, Colonel 18th infantry.' Respectfully, P. St. G. Cooke, Brevet Major General."

W. T. SHERMAN,
Lieutenant General Commanding.

Official copy :

E. S. PARKER,
Colonel and A. D. C.

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
St. Louis, Missouri, January 19, 1867.

GENERAL: I now have the honor to send you General Cooke's letter of the 14th, with its enclosures, which is the nearest approach to accounting for the unhappy affair at Fort Phil. Kearney. I have already transmitted a copy of a telegraphic despatch from General Cooke, notifying me that a full report is on its way by the regular mail from Fort Laramie.

Until the reports of Colonel Carrington and General Wessels are on hand, I cannot advise either a formal court-martial or court of inquiry.

With great respect,

W. T. SHERMAN,
Lieutenant General Commanding.

General J. A. RAWLINS,
Chief of Staff, Washington, D. C.

Official copy :

_____,
Colonel and A. D. C.

HEADQUARTERS MILITARY DIVISION OF THE MISSOURI,
St. Louis, January 28, 1867.

DEAR GENERAL: Knowing your anxiety to hear something definite and comprehensible of the Fort Phil. Kearney matter, I have had a copy made of a letter from a sergeant there to a clerk in this office, which seems to explain the case fully. As soon as their official report comes I will send it also.

Yours, in haste,

W. T. SHERMAN,
Lieutenant General.

General U. S. GRANT,
General United States Army.

Extract from private letter received January 28, 1867.

FORT PHIL. KEARNY, DAKOTA TERRITORY,
December 28, 1866.

Yours of November 28 came to hand, I was pleased to hear from a friend in the civilized world. We have passed through some trying and even heart-rending scenes within the last twenty days.

On the 6th instant we had an engagement with the Indians about three miles from the fort. Lieutenant Bingham, of the second cavalry, and Sergeant Bowers, of

E company, second battalion eighteenth infantry, were killed and scalped. On the 21st instant, the timber train, while on its daily trip to the mountains, under Corporal Legrow, of E company, was attacked by Indians. Detachments from the different companies of the garrison, some mounted and some on foot, the whole being under the command of Captain and Brevet Lieutenant Colonel Fetterman, assisted by Captain Brown and Lieutenant Grammond, proceeded from the fort to protect the train. The command amounted to three officers, eight sergeants, ten corporals, and sixty-three privates. Those from E company were Sergeant Morgan, Corporal Quinn, and four privates. Upon their leaving the fort the colonel gave orders for the detachment to protect the train, but to remain within supporting distance of the garrison; but, contrary to these orders, they pursued the Indians (who immediately left the train without inflicting any damage) for some six miles, to the main force of the enemy, which lay in ambush. The Indians perceiving (as I suppose) that they had the advantage in numbers, immediately rushed from their places of concealment, and succeeded in cutting our men off from any communication with the post, and the scene which followed you and all others may imagine, but I cannot describe it, *as not a man was left to tell the tale*. All were butchered and scalped, their bodies gashed, chopped with knives and tomahawks, stripped of every article of clothing, and then (perhaps while in the agonies of death) shot through and through with arrows. Poor Sergeant Morgan was shot through the breast and scalped; his body was full of arrows. The wood train returned without further trouble, and the colonel, becoming alarmed at the absence of the command, ordered a second detachment, under Captain Powell, to their relief. Captain Powell followed their trail across a high bluff, into a valley, where, to the surprise and mortification of his command, he found, not those brave and noble hearts who a few hours previous had left the fort with buoyant spirits, thirsting for revenge, but eighty-four mangled and disfigured corpses, lying naked on the ground. The Indians, on the completion of their hellish work, departed, taking clothing, arms, and accoutrements, with their dead and wounded, for it is not supposed that eighty-four armed soldiers could be killed, not one escaping, and that, too, in daylight and open ground, without some loss to the enemy.

Captain Powell sent a messenger to the garrison, informing the colonel, stating he would await the arrival of wagons to bring on the bodies. The report went like a death-knell to the heart of every soldier. We could hardly believe it, until the arrival of Captain Powell's detachment and return of the wagons, bringing forty-five dead bodies. The remaining thirty-six were not brought in until the next morning.

The severity of the weather, and probability of an immediate attack upon the fort, compelled us to bury our dead in trenches, without ceremony or military honors. The same evening Colonel Carrington sent citizen couriers to Laramie with despatches to department headquarters for re-enforcements; the mail has arrived since forwarding the despatch, but no re-enforcements. We have been compelled to stop all work. The snow is deep, and the weather so intensely cold that the guards have to be relieved every half-hour.

There are six companies here, and but five officers, Lieutenant Bisbee has been detached to department headquarters. Lieutenant Grammond, who was in command of the company, was killed. I have had to receipt temporarily to the quartermaster for clothing and other necessary stores, some of which had been previously invoiced to the company, but not receipted for by the company commander. This looks rather bad on the part of the government, when 1st sergeants have to be responsible for duties pertaining only to commissioned officers, but such are the chances of war in times of peace. Corporal Legrow has been made sergeant, *vice* Morgan deceased; Legrow is a faithful and deserving soldier. A few days before the massacre I was released from confinement, there being no

re that could do anything with the company. I was just in time to have my hands full, as usual.

It is now past tattoo, the night is cold, the men are sleeping in their clothes and countrements on. Indian signals have been seen, and we don't know what our the post may be attacked. Self and two soldiers are keeping watch so as to awake the men in case of alarm. At midnight I shall have Sergeant Clark and three others to relieve us. So you can imagine the state of affairs here.

I have seen an article in a Chicago paper stating that the commissioners on Indian affairs had received intelligence that reports of hostilities on the frontiers were without foundation and were exaggerated. The Indian commissioners are furnishing Indians with arms and ammunition to hunt with, and they are using to murder white men. Those commissioners are a nuisance to the government. We want men and arms on these plains to exterminate this accursed race of savages. We are fighting a foe that is the devil. In your last you spoke about some newspapers which you had sent me. I did not get them. Please write soon, and pray God to hasten the day when I shall get out of this horrible place.

Good-bye, this may be my last letter; should it reach you, don't forget your friend.

HEADQUARTERS UNITED STATES ARMY,
February 2, 1867.

Official copy :

E. S. PARKER,
Colonel and A. D. C.

[Telegram.]

HEADQUARTERS DEPARTMENT OF THE PLATTE,
Omaha, Nebraska, August 11, 1866.

Two companies 2d cavalry have been ordered to assist in the protection of the road. You are authorized to enlist not to exceed fifty Indian scouts, pay and allowances of cavalry soldiers; let them use the ponies if you can't do better. Be very cautious; don't undertake unnecessary, risky detachments.

P. ST. GEORGE COOKE,
Brigadier General Commanding.

Colonel H. B. CARRINGTON,
Commanding Fort C. F. Smith, (via Laramie.)

Official:

E. S. PARKER,
Colonel and A. D. C.

[Telegram.]

HEADQUARTERS DEPARTMENT OF THE PLATTE,
Omaha, Nebraska, September 27, 1866.

Your long telegram and others of the 17th instant received. Also copy of Major Van Voast's letter of September 22, to you. You must have corn before this in plenty. It is impossible to take the offensive this season, except you can manage to surprise Red Cloud's bands in winter camps, by infantry. Two or three hundred infantry, with much suffering, perhaps, might thus accomplish more than two thousand troops in summer.

I have reason to believe there are whites with the Indians; never spare them. You can only defend yourself and trains and emigrants the best you can. There are so many conditions and circumstances connected with Fort C. F.

Smith I am ignorant of, I cannot order or advise only as the worst, you can recall its garrison, and in such case strengthen Reno. Having one company of cavalry, you can probably dispense with your ninety-four horses, after mounting all the cavalry men. They could be used for cavalry at Laramie. The same as to any useless horses at C. F. Smith and Reno.

General Myers telegraphs about Bailey's party and wages. Cartridges attended to.

P. ST. GEORGE COOKE,
Brevet Major General Commanding.

Colonel H. B. CARRINGTON,
Fort Phil. Kearney, Dakota Territory.

Official :

_____,
Colonel and A. D. C.

B.

HEADQUARTERS DEPARTMENT OF THE PLATTE,
Omaha, Nebraska, November 12, 1866.

COLONEL : You are hereby instructed that, so soon as the troops and stores are covered from the weather, to turn your attention to the possibility of striking the hostile bands of Indians by surprise in their winter camps, as intimated in telegram of September 27, ultimo, from these headquarters. An extraordinary effort in winter, when the Indian horses are unserviceable, it is believed should be followed by more success than can be accomplished by very large expeditions in summer, when the Indians can so easily scatter into deserts and mountain hiding places, almost beyond pursuit.

Four companies of infantry will be available, besides some cavalry; you have a large arrear of murderous and insulting attacks by the savages upon emigrants, trains, and troops, to settle; and you are ordered, if there prove to be any promise of success, to conduct, or to send under another officer such an expedition. Major Van Voast has volunteered, and has been instructed to make such a one in December, from Fort Laramie, Dakota Territory.

By command of Brevet Major General Cooke :

H. G. LITCHFIELD,
Brevet Major U. S. Army, A. D. C.

Colonel H. B. CARRINGTON,
18th U. S. Infantry, commanding Fort Phil. Kearney, Dakota Ter.

Official copy :

_____,
Colonel and A. D. C.

FORT PHILIP KEARNEY, DAKOTA TERRITORY,
December 7, 1866.

CAPTAIN : In compliance with your communication of to-day I have the honor to submit to the colonel commanding the post the following report of the operations of my party on the 6th instant, while in pursuit of Indians who had attacked the wood party :

In obedience to the instructions of the colonel commanding. I took command of the cavalry, numbering about thirty men, under the immediate command of Second Lieutenant H. S. Bingham, 2d United States cavalry, and proceeded

the wood train, about four miles from the post, which I found corralled and surrounded by Indians. There I was joined by Captain Fred. H. Brown, 18th United States infantry, and a couple of mounted infantry, who had already started for the relief of the train, and was overtaken by Second Lieutenant A. H. Wands, 18th United States infantry, and started in pursuit of the Indians, who retired before us for five miles, when, arriving in a valley through which passed the Big Horn road, the Indians offered us battle. In the most unaccountable manner the cavalry turned and commenced a retreat, which, assisted by Captain Brown and Lieutenant Wands, used every exertion to check. The Indians corraling and closing around us, it was plain the retreat, continued, would be a rout and massacre. We, therefore, with the two mounted infantry men who were with us, dismounted from our horses, and, continuing our exertions, succeeded in calling back a few of the cavalry, which reduced our number to about fourteen men, with which we turned and fought the enemy, who numbered about one hundred, surrounding us on three sides. While thus engaged, the mounted infantry which had started out on the Big Horn road, under the command of Colonel Carrington, came in sight, and passed along the road about half a mile to our right, with the purpose, I hoped, of getting to the rear of the enemy, who had a low ridge at their back. The Indians, seeing the approach of the mounted infantry, retired, we following; but finding that their rear was not attacked, a large number of them returned. After fighting about twenty minutes longer they again retired, we in pursuit. Not being able to overtake them, I concluded to take the road and join Colonel Carrington's party, which we soon found on the road a short distance in advance. I cannot speak too highly of the conduct of Captain Brown and Lieutenant Wands, without whose assistance I fear we must have suffered serious disaster. Lieutenant Bingham, while retiring with the major part of the cavalry, encountered the mounted infantry as they were descending the road, and joined them, leaving my party of about fourteen men to oppose a hundred Indians. I cannot account for this movement on the part of an officer of such unquestionable gallantry as Lieutenant Bingham; but it is presumed that being unable to check the retreat of his men, he deemed it most prudent to hold his men in hand as much as possible, and fall back on the mounted infantry who were expected down the road.

Our casualties at this time were one man wounded, two horses wounded, and one killed.

Three Indian ponies were shot, and two men were seen carried from the field.

I am, sir, very respectfully, your obedient servant,

WM. J. FETTERMAN,

Capt. 18th Infantry, Bvt. Lieutenant Colonel U. S. A.

Brevet Captain WM. H. BISBIE,

18th Inf., Post Adjutant Fort Philip Kearney, D. T.

Official:

Colonel and A. D. C.

[Telegram.]

PHIL. KEARNEY, D. T., *December 19, 1866.*

A. A. A. GENERAL, *Department of the Platte:*

No special news since last report. Indians appeared to-day and fired on wood train, but were repulsed. They are accomplishing nothing, while I am perfecting all details of the post and preparing for active movements.

HENRY B. CARRINGTON,

Col. 18th U. S. Infantry, Commanding Post.

Official:

Colonel and A. D. C.

LETTER
FROM
THE SECRETARY OF THE INTERIOR,

COMMUNICATING,

In obedience to a resolution of the Senate of the 30th of January, information in relation to the late massacre of United States troops by Indians at or near Fort Phil. Kearney, in Dakota Territory.

FEBRUARY 5, 1867.—Read, referred to the Committee on Indian Affairs, and ordered to be printed.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 5, 1867.

SIR: In obedience to a resolution of the Senate of the 30th ultimo, requesting the Secretary of War and the Secretary of the Interior "to furnish to the Senate all official reports, papers, and other facts in possession of their respective departments which may tend to explain the origin, causes, and extent of the late massacre of United States troops by Indians at or near Fort Phil. Kearney, in Dakota Territory," I have the honor herewith to transmit a report of the Commissioner of Indian Affairs, dated the 4th instant, with accompanying papers—twelve in number—containing all the information now in possession of this department on the subject.

Very respectfully, your obedient servant,

O. H. BROWNING,
Secretary.

Hon. L. F. S. FOSTER,
President of the Senate.

DEPARTMENT OF THE INTERIOR,
Office Indian Affairs, February 4, 1867.

SIR: I have received from you the resolutions of the Senate and House of Representatives in relation to the recent outbreak at Fort Phil. Kearney. These resolutions contain three distinct propositions, to each of which a separate answer is necessary. It requires this department to furnish all the information in its possession in relation to the late massacre at Fort Phil. Kearney; secondly, the causes which produced the same; and thirdly, the causes which have led to the present alarming condition of our relations with the Indian tribes of the interior.

In answer to the first question, I will say that we had, prior to the occurrence of this disaster, very reliable information of the temper of the Indians in that section of the country, and although this temper did not amount to a positive feeling of hostility, yet I know from the various sources of information at the command of this bureau that there was a feeling of dissatisfaction growing on

of the treaty of Fort Laramie of last summer. That the tribes occupying the Powder river country had great cause of dissatisfaction with the provisions of this treaty is not singular. From the extracts which I here furnish from the special report of Agent Chandler, (marked No. 1,) it will be easily understood why this dissatisfaction existed. Knowing that this feeling existed among these Indians, it was my intention to recommend the appointment, at an early day, of a commission of good men to visit their country and consult with the leading chiefs and headmen of these tribes and ascertain what their condition really and justly required. It seems to me to be unreasonable to require these people to abandon their hunting grounds, while the chase is their only means of support, until some other means of existence is provided for them. That another means of support can be provided is beyond any doubt. The country is extensive enough to give them a home and at the same time remove them from the highway of the travel of the whites. It is due, however, to the cause of truth to say that, however injudicious the provisions of this treaty are, most of the bands of Sioux Indians occupying that country were determined to abide by it, and I have positive information that these well-disposed Indians have faithfully adhered to this determination. Hence many of the chiefs of different bands, such as Spotted Tail, Swift Bear, One That Walks Under the Ground, and many others, have actually moved to the south side of the Platte, where they are at this time, to keep out of the way of any trouble. They are yet friendly. Another leading chief, by the name of Iron Shell, is, with his band, in the Sand Hills, north of the Platte, and friendly. With proper management, these friendly disposed bands can be used to the best advantage by the government, and I am anxious that nothing should occur to drive them from us. Although these bands are friendly, it is nevertheless but too true that it is more policy than anything else that makes them so. They feel as if they were unjustly treated, and this feeling is universal among them. From all the information I can get—and it is, I think, pretty reliable—none of these chiefs had anything to do with the affair at Fort Phil. Kearney. An order issued by General Cooke, at Omaha, on the 31st day of July last, (herewith sent, marked No. 32,) in relation to arms and ammunition, has had a very bad effect. I am satisfied that such orders are not only unwise, but really cruel, and therefore calculated to produce the very worst effect. Indians are men, and when hungry will, like us, resort to any means to obtain food, and as the chase is their only means of subsistence, if you deprive them of the power of procuring it, you certainly produce great dissatisfaction. If it were true that arms and ammunition could be accumulated by them, to war against us, it certainly would be unwise to give it to them; but this is not the fact. No Indian will buy two guns. One he absolutely needs, and as he has no means of taking care of powder, he necessarily will take, when offered to him, but a very limited quantity. It is true that formerly they hunted with bows and arrows, killing buffalo, antelope, and deer with the same; but to hunt successfully with bow and arrows requires horses, and as the valleys of that country are now more or less filled by white men prospecting for gold and silver, their means of subsisting their horses have passed away, and they now have but few horses. I mention these facts so as to place before the country, as briefly as possible, the condition as well as the wants of the Indians.

I herewith send copies of two letters (marked 3 and 4) and my report on same (marked 4½) from the surgeon at the post of Phil. Kearney, giving an account of the first difficulty on the 6th of December, and of the last one, on the 21st of the same month. Although these letters are written by an officer at the post, with all his sympathies for his comrades, it is very evident, from a careful perusal and a just understanding of them, that these Indians did not come to that fort in any very great force, nor with a view of making war. To say that a wagon train was attacked by three hundred Indians, and yet no one killed, is simply ridiculous. There were, perhaps, some five or six men with this train,

and if three hundred Indians had really attacked them it is not doubted that one or more of them would have been killed. But the report was made of an attack by three hundred Indians; this led to a *sortie* from the fort, and even then, it appears, the Indians did not wish to fight, as they retreated, and no soldier was killed until several Indians had been dispatched by our soldiers. It seems that then some Indians hovered around the fort till the 21st, the day of the fatal disaster. To say that they came to the fort to challenge the force at that point to a fight, is simply absurd. Nevertheless a fight did take place, and the facts are all set forth in the letter marked No. 4, dated 1st of January of this year.

Now, I understand this was the fact: These Indians being in absolute want of guns and ammunition to make their winter hunt, were on a friendly visit to the fort, desiring to communicate with the commanding officer, to get the order refusing them guns and ammunition rescinded, so that they might be enabled to procure their winter supply of buffalo. It has been currently reported that some 3,000 to 5,000 warriors were assembled to invest this fort. This is not, and cannot by any possibility be true, as this would pre-suppose a population

of 21,000 to 35,000 Indians in that section of country (being one warrior in every ten men.) This number of Indians is not there, nor could that number of warriors feed themselves and their horses at this season of the year in that latitude. The report is an exaggeration; and although I regret the unfortunate death of so many brave soldiers, yet there can be no doubt that it is owing to the foolish and rash management of the officer in command at that post. Nevertheless, there is a band of Sioux Indians in that country, of the Ogallalla tribe, headed by a chief of the name of Red Cloud, that are badly disposed. This is the only band, so far as I am informed, that is hostile as a band; but I have no doubt that around him and under his banner are gathered all the badly disposed Indians of the country. They flock to his standard as individuals, not as tribes, and I think this band with its adherents should be severely chastised by the military. With this view, I have recommended to you the appointment of the commissioners whose names you have presented to the President, to proceed to that country at as early a day as possible, with the view of finding all the facts which have led to the affair, and of separating, if possible, the friendly from the unfriendly tribes. By doing so we would be doing justice to those who are innocent, and also avoid a general Indian war, which, if once started, will extend over the entire country, from the Missouri river to the Rocky mountains, and from the mouth of the Yellowstone to the Mexican line. This war should be avoided, if possible, as it would cost millions of dollars, and last for many years.

I submit to you a letter from the War Department, (No. 5,) enclosing the extract from the report of General Sherman, (No. 6.) Such an order, in my opinion, would lead to the very result it is designed to obviate. I submit to you the copy of my report on this subject of the 23d of January, being document No. 7 herewith sent.

It cannot be doubted that the Indians have many just causes of complaint. The policy heretofore pursued, I think, has been a bad one; and bad as it was, has not been justly carried out. Homes should be provided for them, and we have territory enough to give them; their annuities should be greatly increased, and goods of a good quality and adapted to their wants should be furnished them, and also at the proper season of the year. It is a notorious fact that very inferior goods have for some years been given to them, and also at a period too late.

In conclusion, permit me to say that I know of but one remedy for all the evils now existing in our Indian relations. It is the appointment of commissioners, without regard to the politics or religion of the persons appointed, to be composed of men of high character, to proceed to all the States and Territories containing an Indian population; one commission, say of five persons, for each

of these States and Territories, to study the Indian question in each one, viz, to ascertain the number of Indians, their present status, and how many can be aggregated on one or two reservations, and to select these reservations, which should be ample, and report to this department next fall. These commissions should take all the time necessary to master the subject, and, if necessary, spend months in mastering it. The Indians should be then made to go on these reservations, and when there, furnished with stocks of cattle and sheep to raise. At first the cattle and sheep would be eaten by them; but it would not be long before they would find out that the milk of the cow, and the wool of the sheep, and the meat of the beef, as well as the hide and tallow, are all very good things; and in place of giving them large quantities of light and useless goods, paints, and beads, give them a reasonable allowance of heavy goods until they can make them themselves, and furnish them with spinning and weaving machines. Near this reservation, but not on it, I would advise the location of a military garrison; not too near, for well-known reasons, but within a distance which would secure to the garrison all power to suppress and control the occupants of the reservation, with a resident agent on the reservation, and in the midst of them. After they are thus localized and made to depend on their own care in raising their flocks of sheep and herds of cattle, I would then introduce the schoolmaster and the missionary, and not before. It is worse than useless to attempt to educate and to christianize a few members of a tribe of barbarians. Elevate the whole tribe together; it is slower, but every step taken is maintained.

I have, perhaps, gone beyond the requirements of the resolution submitted to me; nevertheless, I think the views herein suggested are germane to the subject. The question is of the greatest importance, and well worthy the attention of statesmen.

Since writing the above my attention has been called to one of the city papers of to-day, containing what purports to be the action of the military in relation to the question of furnishing in limited quantities, to friendly Indians, arms and ammunition. I enclose a slip from one of these papers, and if it be true that the military has interfered in the way there stated, it accounts fully for most of our Indian troubles, and this strengthens my previous views, that it is owing to the unwarranted interference of the military that we have the numerous conflicts with these people. How anybody, military or civil, could possibly object to the order given by Special Agents Irwin and Bogy to the trader Butterfield, is indeed surprising. The law authorizes traders to deal in arms and ammunition with tribes at peace, and this is all that these special agents say. Their order is correct according to law and reason, and the military should not be allowed to interfere. In this case, as in all other cases coming under my observation, this interference has been imperious, and unless it is checked it will lead to the most disastrous consequences; nothing less than the destruction of our entire western settlements, including Nebraska, Kansas, Idaho, Montana, Utah, Colorado, New Mexico, Dakota, Nevada, and Arizona, and the entire column of western emigration. This I wish to avoid.

I enclose you copies of the letter of Governor Edmunds of the 26th September last, enclosing report of Agent Hanson of the 15th of the same month, being document No. 8; also copy of letter of Governor Faulk of the 9th January last, enclosing report of the 31st December, being document No. 9.

Permit me to call particular attention to these reports. The reading of them will satisfy any one of the cause of our present difficulties. All can be traced to the order of General Cooke of the 31st of July, forbidding the traders from dealing in arms and ammunition; and if we have any trouble with the Cheyennes and Arapahoes, now or very recently perfectly quiet, all newspaper reports to the contrary notwithstanding, it can be traced to the action of Major Douglass, sustained by his superior officer. The special commissioners who visited

these Indians last fall were discreet and prudent men, and I am satisfied if their action had not been interfered with that no trouble whatever would exist there. As it is I look for an outbreak every day. The newspaper reports daily seen are generally false. One of them yesterday, connecting the name of Mr. Comstock, is known to be one of the meanest and most worthless fellows on the frontier, although reported to be an interpreter, scout, and guide, all of which is false; he is neither one of these things, but a gambler and thief.

I also enclose you extracts from a letter of General Hancock to Agent Leavenworth, as an evidence of the animus actuating these military commanders, being document No. 10.

It is due to me, in final conclusion, to say that I entertain for these distinguished military officers the very highest regard, and no one would go further to defend and protect them in the discharge of their proper duties, but I honestly believe that in relation to our Indian affairs and the tremendous efforts to get possession of this branch of business they are wrong; and, so believing, I am willing to declare it unhesitatingly.

With great respect, your obedient servant,

LEWIS V. BOGY, *Commissioner.*

Hon. O. H. BROWNING,

Secretary of the Interior.

Extracts from the report of Special Agent E. B. Chandler to Superintendent H. B. Denman.

FORT LARAMIE, *January 13, 1867.*

SIR: I have the honor to report my arrival at the Upper Platte agency on the 29th ultimo.

I find in the immediate vicinity of Fort Laramie three hundred and twenty Indians of various tribes and bands, and of whom the greater part are squaws and children. Of the latter many of them are half-breeds.

Ten miles from this place is an encampment of one hundred and sixty-five Gallallias, of the Bad Face band, whose chief is known by the name of Big Mouth. Other small bands of the same Indians, said to number one hundred and thirty persons in the aggregate, are encamped at various places within a distance of fifteen miles from the fort, who, together with those referred to above, receive subsistence from the government. I have been unable to visit all the camps of these small bands; therefore, of my own knowledge, cannot definitely state their numbers; but from observation and from information received from Agent Patrick and Mr. Scott, the government interpreter for this agency, I have no doubt that the whole number of professedly friendly Indians here of all ages amount to six hundred persons.

Of the other friendly bands of Sioux who participated in the late treaty, made at this place in June last, are those led by Spotted Tail, Standing Elk, Swift Bear, The Man Who Walks Under the Ground, and perhaps others of less reputation. I have been informed by traders, who have been recently among them, that they are encamped on the Republican river, at a point about one hundred and forty miles from Fort Sedgwick, in Colorado Territory, and that their numbers do not exceed eight hundred persons of all ages, old men, women, and children largely predominating. Their conduct is represented to be good, and, the game in that vicinity being abundant, they live comfortably without present need of aid from the government.

In compliance with your instructions to report upon the terms and character of the treaty concluded by the late peace commissioners at this place with the Sioux Indians, I have to say that I have been unable to find a copy of that in-

strument at this post. A treaty prepared and signed by said commissioners for the Arapaho Indians is in the possession of Agent Patrick, and said to be identical in terms with the Sioux and Cheyenne treaties, with the only variance of different amounts of annuities to each. The amount stipulated in the treaty with the Sioux tribe (as I have been told by Mr. Patrick and others who heard the original treaty read) is seventy thousand dollars annually for twenty years; the Cheyennes fifteen thousand dollars for the same length of time annually. This large amount was paid in consideration of the provisions of article 3 of that instrument, which, if my information be correct, is as follows:

"The said tribe represented in council shall withdraw from the routes overland already established, or hereafter to be established, through their country, and in consideration thereof the government of the United States agree to pay to the said tribe the sum of seventy thousand dollars annually for twenty years, payable in such articles as the Secretary of the Interior may direct: *Provided*, That the said tribe shall faithfully conform to the provisions of this treaty."

The "routes overland" spoken of in said article 3 referred *really* to the Powder river road to Montana, the Indians, as I am informed, being willing to concede the use of all others now open through their country without remuneration. This they claimed led through their best hunting ground, and they believed the use of the same by the whites would result in driving out the game, leaving them without the means of future subsistence, and for a long time seemed indisposed to comply with this, the main and most important condition of the treaty, upon any terms. At the opening of the council, however, Colonel E. B. Taylor, in a speech, promised the Indians that the travel on said road should be confined strictly to the line thereof, and that emigrants and travellers generally should not be allowed to molest or disturb the game in the country through which they passed. With this promise, impossible of performance, well calculated, and, as I believe, designed to deceive them, the distribution of a large amount of presents, and the obligation of the government to pay an extravagant annuity, the treaty was at length concluded with parties holding subordinate and irresponsible positions in the tribe, and representing inconsiderable numbers. That they were unable and did not control the action of the bands which they assumed to represent, will be clearly proven by subsequent facts.

That Red Cloud, Red Leaf, and the Man Afraid of His Horses were the principal, leading, and most influential chiefs of the tribe, was well known and acknowledged by residents of the country generally; that the commissioners considered Red Cloud the most prominent chief of the Sioux tribe was clearly proven by the pains taken to procure his attendance at the treaty, and the distinguished consideration shown to him more than to any other chief after his arrival, as well as by public acknowledgment of the fact by one of said commissioners; that these commissioners were determined to make a treaty upon *some terms*, either with or without the consent of the tribe, was clearly apparent from all their official acts; that Commissioner Taylor repeatedly asserted that he was sent here by the government for the purpose of making a treaty, and it should be accomplished if made with but *two Indians*, can be proved by numerous officers and citizens at and near this post who heard him.

Within two weeks after the conclusion of the so-called treaty, Spotted Tail, Standing Elk, (and all others of the professedly friendly Indians now on the Republican,) then on their way to that place, told ranchmen and traders of their acquaintance whom they met, that many of their young men had determined to go to war, and had left them and gone to the Powder river country, and they advised all who had occasion to go far from home to "go prepared, and look out for their hair."

At their crossing of the South Platte river, some days subsequently, parties who met and conversed with these Indians report their numbers to be less than one hundred lodges, and their party made up principally of old men, squaws,

and children. The statement of their chiefs at this time, in explaining the absence of these young men, was substantially the same as given before.

I am informed by Captain Besbee (late of Fort Philip Kearney) that early in the month of July last the troops at that place, while pursuing hostile Indians who had stolen stock from the fort, captured from them a horse loaded entirely with Indian goods which had been distributed and brought from the Fort Laramie treaty. He further states that, from information obtained from scouts and mail-carriers, he believes there is a very large body of hostile Indians in the Tongue River valley, many of whom are Sioux, and that for a long time past he considers the fort to have been in a state of siege by them.

From the foregoing facts, and the statements of various parties who were present at the treaty, and were well acquainted with the facts and circumstances attending the same, giving to each the weight which I believe it justly entitled to receive, I have arrived clearly to the opinion that the so-called treaty with the Sioux Indians, concluded at Fort Laramie in June last, was little better than a farce, entitled to no consideration from the government, and ought not to be ratified.

In relation to the treaty made with the Cheyennes, by order of Colonel E. B. Taylor, on the 11th day of October last, I am of the opinion that it ought not to be ratified by the government, it having been made with but an inconsiderable portion of the tribe, and signed by parties who were not then principal chiefs and headmen.

Respecting the tribes and bands of Indians now at war with the United States, I think all north of the North Platte river may be considered hostile. From information received by a friendly Indian sent from here to the Powder river country, (and who started home from the encampments of the hostile bands on the day of the massacre at Fort Philip Kearney,) I learn the names of the different tribes and bands then at war to be the Minne Conjous, Brules, Ogallallas, Crows, Incapahs, Blackfeet, Sans Arcs, Arapahoes, a portion of the Cheyennes, and some others whose names I have now forgotten. His estimate of their strength at that time was eleven thousand six hundred warriors. Later estimates have been much higher, but I think his the most reliable up to the present time. Since he was there, however, it is probable that these Indians have been re-enforced. Red Cloud, Red Leaf, and The Man Afraid of His Horses, are supposed to be the principal instigators and leaders in the war.

Respecting the friendly Indians belonging to this agency, I would recommend, with a view to justice alone, that they receive protection and the necessary subsistence from the United States. Their situation is such that I deem it hardly possible for them to live upon their own resources for a considerable length of time without returning north of the Platte river, where they would not be permitted to maintain a neutrality, were they otherwise so disposed. The hostility to the whites has become so general among all the tribes in this portion of the country, and their warriors are so numerous, that no small body of friendly Indians will be tolerated within their reach. In my opinion, then, the alternative of feeding or fighting them must soon be chosen, as economy, as well as justice, would indicate the adoption of the former policy. I have no hesitation in recommending its adoption.

Besides the foregoing considerations in favor of liberal treatment to them, the precedent of kindness and liberality, as the reward of honesty and good faith shown to those now hostile to the government, would be eminently favorable to an early and satisfactory peace.

Although I am fully satisfied that an extensive Indian war is inevitable, and that severe chastisement must be inflicted before they will make or abide a treaty, the conditions of which would be acceptable to the government; yet, if a reservation should be provided affording protection and subsistence, I have no doubt that the comparatively small number who would now consent to be put upon it would be rapidly and largely increased.

From the information which I have been able to obtain upon this subject, I believe that two hundred lodges would come into this arrangement at once. I am also equally certain that unless they are provided for in a manner satisfactory to themselves, all will soon be at war.

I would therefore earnestly recommend that a temporary reservation within the protection of a military post be chosen at an early day, and all Indians belonging to the Upper Platte agency then at peace with the United States be invited to come upon the same, subject to such rules, regulations, and instructions as the honorable Secretary of the Interior Department shall see fit to impose.

[General Order No. 10.]

HEADQUARTERS DEPARTMENT OF THE PLATTE,
Omaha, Nebraska Territory, July 31, 1866.

On information received that unauthorized persons sell arms and ammunition to Indians, the Commissioner of Indian Affairs has instructed Indian agents to prohibit traders from selling these articles to the Indians, and all commanders of troops within the department will co-operate in the enforcement of these instructions, and will take vigilant and decisive measures for the prevention of all sale, barter, or gift of arms or ammunition to Indians within reach of their power.

By order of Brigadier General Cooke.

FORT PHIL. KEARNEY, DAKOTA TERRITORY,
December 15, 1866.

DEAR JOHN: I am in the enjoyment of good health at this time. Lieutenant Wands and family are in good health. I mess with them.

A few days ago a wagon train had gone up to the mountain five or six miles from this post for the purpose of cutting pine timber for buildings. On their return they were attacked by about 300 Indians. We have a mounted guard on post on top of a very high point near the fort, who telegraphed to us by means of a flag of the condition of the wood train. The mounted cavalry and infantry were immediately ordered out to relieve them. They started in two parties, Colonel Carrington and fourteen men going in one direction, and about thirty in another. The larger party, among whom was Captain Brown, Lieutenant Wands, (Lieutenant Grummond was with the colonel,) Captain Fetterman, and Lieutenant Bingham, who was a cavalry officer, came upon the Indians suddenly, and charged them. The fight continued for a distance of eight miles or more. Wands killed a horse and probably some Indians at one time while dismounted; and in the fight the cavalry broke and were brought back (some of them) by Captain Brown and Lieutenant Wands levelling their guns at them, and telling them that they would shoot them. Most of the men and officers had breech-loading guns. While the fight was going on, Lieutenant Bingham, of the cavalry, called out to the others, "Come on," beckoned, and went off with some of the men in the direction of the colonel, who was seen approaching at the distance of half a mile. This was just what the Indians wanted. Captains Brown and Fetterman, and Lieutenant Wands, with ten or eleven men, remained and fought the whole of them, and whipped them. Wands was slightly wounded in a finger. Lieutenant Grummond left the colonel's party, and meeting Lieutenant Bingham, they and three or four men started in the pursuit of about thirty Indians, who were apparently retreating; an Indian's horse had almost given out, and Lieutenant Bingham wounded the horse by a pistol-shot, (Lieutenants Grummond and Bingham had nothing but pistols.) The Indian

en took to his heels, they following him, cutting at him with their swords. Bingham lost one pistol, and after firing the other, so excited did he become that he threw it away. At this time they saw two large bodies of Indians flanking them, when they concluded to run through them; drawing their swords, they charged about them right and left. Lieutenant Bingham did not follow the rest and was killed, stripped and scalped; two sergeants and one more were wounded. Lieutenant Grummond ran against the Indians, and cutting right and left with his sword, got through with the balance. After a while they were surrounded again by a large number of Indians, drawn in a circle around them with bows, at a charge, and firing upon them; they halted, and Lieutenant Grummond then told the rest to follow him; they did, he using his sword as before. He got through; but Sergeant Bowens no doubt turned around and fired upon his pursuers; they overtook and put an arrow in him and split his skull open above the eyes. They did not scalp him. Our people found him a short time afterwards; he was living and in great agony, but died in a short time. We buried Bingham with masonic honors so far as we could. There were seven masons, and an enlisted man, in the cavalry.

C. M. HINES.

FORT PHIL. KEARNEY, D. T., *January 1, 1867.*

DEAR JOHN : * * * * *

Matters in this part of the country do not suit me. I have written to you before that the treaty at Laramie did not amount to anything; the three posts, Reno, Kearney, and C. F. Smith, are really in a state of siege. All the Sioux, including those that committed the atrocities in Minnesota, are in our neighborhood. Fort Reno has a garrison of three companies of infantry, (not full,) one piece of artillery; Fort Phil. Kearney, four pieces of artillery, five companies of infantry, (one-half effective,) and a few mounted men—all together, soldiers and employés, about 400 men, (effective;) Fort C. F. Smith, two pieces of artillery, two companies of infantry (not full) and twenty-eight mounted men. As you can perceive that these forts are in a state of siege. The mass of the Indians are on Tongue river about fifty miles from this post. Our communications with Fort Smith are entirely cut off. There are 1,500 lodges of Indians at that point, and their confederates, Blackfeet, Cheyennes, Arapahoes, &c. The whole number of warriors must amount to four or five thousand, well mounted and armed. They have several times attacked the wood trains of ours. Once we whipped them badly. For some time back they were in the habit of coming on the bluffs near this fort, calling out to us and challenging us to the fight. Colonel Carrington shelled them, at one time killing a poney. On Friday morning, 21st of December, they made their appearance in small numbers near the fort, challenging us in the usual manner. Colonel Carrington shelled them, killing the poney I have mentioned, and driving about thirty Indians from their covert. Captain and Brevet Lieutenant Colonel Fetterman, Captain Brown and Lieutenant Grummond were ordered out by the colonel to protect our wood train, which had been attacked. Captain Fetterman commanded the infantry, Lieutenant Grummond the cavalry, (twenty-seven men,) and Captain Brown some mounted teamsters and citizens, the whole amounting to eighty-one men, about fifty of whom were armed with the Spencer carbine and pistols, one or two with Henry rifles, and the balance with the Springfield musket. No men were better armed. Instead of obeying orders, these officers (among whom there were none better or braver in the service) allowed themselves to be decoyed from the position ordered to be taken, and the whole command was butchered, (eighty-one officers and men.) I was ordered by Colonel Carrington, with one man, to go out to the wood train, (five miles off,) and if I found them safe to join the other command. I went out about three miles, when

I saw that the wood train was in no danger. I then, obeying orders, attempted to reach the party under fire, and found it impossible. At that time I had four men with me; sent to the fort for re-enforcements; forty men, under the captain, were sent out, and we reached the field just in time to see the last man killed. If I had obeyed my instructions I would have been killed. These poor fellows when killed, the greater number, were in one heap. We brought in about fifty in wagons, like you see hogs brought to market. I have no more to write at present. I will write more in detail by next mail. * * * *

I remain, your brother,

C. M. HINES,
A. A. Surgeon U. S. A.

DEPARTMENT OF THE INTERIOR, OFFICE INDIAN AFFAIRS,
Washington, D. C., January 31, 1867.

SIR : Referring to a recent report from this office, dated 23d instant, upon the subject of the existing disturbances in Western Dakota, I have the honor to submit herewith, as confirming the views therein set forth, a copy of a letter under date of the 1st instant from Acting Assistant Surgeon C. M. Hines, on duty at Fort Phil. Kearney, giving an account of the reported massacre of United States soldiers on the 21st ultimo. A previous letter of Dr. Hines, written, like this, to his brother in this city, had given an account of a slight skirmish with the Indians on the 6th of December. It is proper to state that the letter herewith is by the writer authorized to be given to the public, so that its statements, being those of an officer present at the time and familiar with the circumstances, but written to a friend and unofficially, and without any coloring beyond that which appears to have affected the minds of the whole command, may be fairly taken as representing the true state of feeling at the time and place. If I am correct in this view of the case, then I feel justified in commenting freely upon the facts presented.

And first, I notice that the military authorities appear to have had very little idea of their real condition. With a respectable force in garrison, well armed and well supplied, and with the "mass of the Indians on Tongue river, fifty miles from" the post, the garrison felt itself besieged. The tribes of Indians at hand are described as the Sioux and "their confederates, Blackfeet, Cheyennes, Arapahoes," &c., while, from the information obtained from parties familiar with the tribes, their habits, and ordinary ranges, I do not hesitate to express the opinion that not a single warrior from the Blackfeet bands is or has been among the Sioux; and as to the Arapahoes and Cheyennes, if there are any of them in that quarter, they are isolated individuals only. Further, as to the tribes represented, the writer says that the "Sioux that committed the atrocities in Minnesota" are in the neighborhood of the post; while, if the truth is ever known, it will be found that not one of those bands of Sioux was at the time less than about 500 miles distant.

As to the *numbers* of the Indians thus holding the posts under siege, the 1,500 lodges mentioned by the writer would represent a population of some 9,000, while the "4,000 or 5,000 well mounted and armed warriors" would represent a population of 24,000 to 30,000 Indians; an enormous exaggeration of the number which could by any possibility be in that country, showing the terrible state of demoralization into which the minds of the most intelligent men must have fallen. If we note other items of the account, as the alleged attack upon the wood train, which, after all, as would appear from another portion of the letter, was *not* attacked, or, if attacked, nobody was hurt, the challenge by the Indians, and the result of the shelling by Colonel Carrington, being the dislodging of some thirty Indians from their covert, and other circumstances, the

hole affair seems incredible, but for the sad certainty of the bringing back to the post of the bodies of officers and men killed in the conflict, and I find it difficult to account for the tragedy upon any other theory than that heretofore advanced by this office, to wit: that the Indians, almost in a state of starvation, having made repeated attempts at a conference, that they might make peace and obtain supplies for their families, and the rescinding of the order prohibiting them from obtaining arms and ammunition, were rendered desperate, and resorted to the stratagem which proved too successful. It seems as if the officer commanding could have avoided the catastrophe; and it seems also that men thus armed could have repelled an attack by all the Indians in Western Dakota.

I do not wish to justify the Indians in their hostilities; but they are but men, with the necessities of life for themselves and their families staring them in the face; and if their overtures for peace are continually and wantonly repelled, they go to war, and they wage war after their own savage fashion.

I have felt it my duty to express frankly my opinions in transmitting the within letter; and having done so, I have only to say that I see no surer or better means of preventing such occurrences in the future than by such measures as I have already recommended—a commission of judicious men to visit the region in question, with proper powers and instructions.

Very respectfully, your obedient servant,

LEWIS V. BOGY,
Commissioner.

WAR DEPARTMENT,
Washington, January 18, 1867.

SIR: I have the honor to transmit herewith a copy of a report from General Grant, in relation to an official communication made by Lieutenant General Sherman, having in view the restriction of the Sioux Indians to districts lying north of the Platte, west of the Missouri, and east of the new road to Montana; of the Arapahoes, Cheyennes, Comanches, Kiowas, Apaches, and Navajoes to the region south of the Arkansas and east of Fort Union.

This recommendation, as the Lieutenant General states, is made with a view to keep open the great routes to the mountain territories, to render safe the prosecution of work on the Pacific railroads, and to prevent apprehension of Indian depredations. General Grant approves the proposition, if it does not conflict with treaty obligations.

I will thank you for an expression of your views upon the subject, in order that if the course proposed shall be determined upon, the necessary measures may at once be commenced.

I have the honor to be, sir, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. O. H. BROWNING,
Secretary of the Interior.

HEADQUARTERS ARMIES OF THE UNITED STATES,
Washington, D. C., January 15, 1867

SIR: In a report by General Sherman, forwarded with my annual report, dated November 21, 1866, the following passage occurs:

"I propose the coming year, (with your consent, and with that of the Secretary of the Interior, in whose control these Indians are supposed to be,) to restrict the Sioux north of the Platte, west of the Missouri river, and east of the new road to Montana, which starts from Laramie to Virginia City by way of Forts Reno, Philip Kearney, O. F. Smith, &c.

"All Sioux found outside of these limits without a written pass from some military commander defining clearly their object, should be dealt with summarily. In like manner I would restrict the Arapahoes, Cheyennes, Comanches, Kiowas, Apaches, and Navajoes, south of the Arkansas and east of Fort Union. This would leave for our people exclusively the use of the wide belt east and west, between the Platte and the Arkansas, in which lie the two great railroads, and over which passes the bulk of travel to the mountain Territories. As long as these Indians can hunt the buffalo and antelope within the described limits, we will have the depredations of last summer, and, worse yet, the exaggerations of danger raised by our own people, often for a very base purpose. It is our duty, and it shall be my study, to make the progress of construction of the great Pacific railways that lie in this belt of country as safe as possible, as also to protect the stage and telegraph lines against any hostile bands; but they are so long that to guard them perfectly is an impossibility, unless we can restrict the Indians as herein stated. I beg you will submit this proposition to the honorable Secretary of the Interior, that we may know that we do not violate some one of the solemn treaties made with these Indians, who are very cautious, and claim to the very letter the execution on our part of those treaties, the obligation of which they seem to comprehend perfectly.

"I approve this proposition of General Sherman, provided it does not conflict with our treaty obligations with the Indians, nor between the Platte and Arkansas rivers. The protection of the Pacific railroad, so that not only the portion already completed shall be entirely safe, but that the portion yet to be constructed shall in no way be delayed either by actual or apprehended danger, is indispensable.

"Aside from the great value of this road to the country benefited by it, it has the strongest claims upon the military service, as it will be one of its most efficient aids in the control of the Indians in the vast regions through which it passes."

I respectfully request that I may be informed at an early day whether this proposition is approved by you and the Secretary of the Interior, that measures may be taken to carry it into effect.

Very respectfully, your obedient servant,

U. S. GRANT, *General*.

Hon. E. M. STANTON,
Secretary of War.

DEPARTMENT OF THE INTERIOR, OFFICE INDIAN AFFAIRS,
January 23, 1867.

SIR: The letter of the Secretary of War of the 18th instant, containing extracts from the report of General Sherman to General Grant, with the approval of the same by General Grant, having been referred to me for a report thereon, I beg leave to say:

General Sherman says, "that he proposes to restrict the Sioux Indians to the district of country between the Platte, the Missouri river, and the road to Montana, which starts from Laramie for Virginia City, by the way of Forts Reno, Phil. Kearney, and C. F. Smith, and that any Indian found outside of these limits without a written pass shall be summarily dealt with." He proposes also to restrict the Arapahoes and Cheyennes, Comanches, Kiowas, Apaches, and Navajoes south of the Arkansas and east of Fort Union; the object of this arrangement being, to leave open the wide belt of country between the Platte and the Arkansas.

That the belt of country lying between the Platte river on the north and the Arkansas river on the south should be opened to the whites by the removal of the Indians now occupying it, is a necessity which cannot be doubted. The fact that

railroads are now being built through this country, and that it is the highway for the thousands of emigrants going to our western territories, imposes on the government the necessity of affording to them complete protection. To effect this object, the removal of the Indians from this strip of country is, therefore, an absolute necessity. On this subject I agree with the view expressed by General Sherman, but I entirely dissent from the position he assumes in his report as to the mode of accomplishing this object. As already said, the time has come when these Indians must abandon this portion of country, and if they will not do so willingly, when other homes are provided for them, force will have to be used. The spread of our white settlements throughout this vast section of country cannot and should not be checked, as it cannot be prevented. The question now presenting itself is, how is this to be accomplished? Will the order to be issued by the commanding officer of the western department have this magical effect? On the contrary, will it not lead to resistance on the part of the Indians whom you thus undertake to remove from the hunting grounds over which they and their forefathers have roamed for generations? And will not this resistance lead to trouble and war with them, in which the lives of thousands of persons will be sacrificed, the railroads now already being far advanced in the country destroyed, the profitable trade of the prairies, even with these very Indians themselves, annihilated, and the government involved in millions of dollars of expense? This country yet belongs to these Indians; it has not been ceded by them. Now cannot a policy be adopted which will effect the same object without involving the disasters above enumerated? I think such a policy could be devised. There is one fact which cannot be denied by any one acquainted with Indians: it is, that their chiefs are all superior men; they are always their best men. No one becomes a chief until he has proven his valor in war and wisdom in council. These chiefs control their different tribes, with the exception of a few bad men found among them, as among us. With proper means, I am satisfied that these chiefs can all be made to see and fully understand their position, and the necessity imposed upon the government of securing this belt of country for the whites. Admitting you can satisfy them of this fact, the next question is, can you induce them to remove to another locality? I have no doubt that if proper steps are taken this can be done. It is true they may not entirely abandon this country this season, but they can be kept quiet—which is all that is wanted for the present—and their minds directed to the new home which you will provide for them. That this new home may be in the district of country described by General Sherman is very possible. In my opinion it is too late to abandon the system of treaties with Indians. With judicious management, I think they can all be made to abandon the country needed by our people, and to settle down on reservations, which should be larger than formerly made. Annuities ought to be increased, and stock, cattle, sheep, and horses given to them to raise. It is of little consequence to this government if a few hundred thousand dollars, more or less, per annum be expended, provided these people are kept quiet, and, at the same time, means of subsistence be furnished to them to support themselves for the few years which, in all probability, they will yet exist.

I would therefore suggest that you, as the officer of the government having the Indians in charge, inform the military authorities of your disapproval of this contemplated order. I would also suggest that one of the greatest difficulties, and, indeed, I think the greatest difficulty I encounter, in administering the affairs of this bureau, is the constant interference on the part of the military with all Indian affairs.

That there is a misapprehension on their part in relation to this matter is beyond doubt, otherwise such constant interference by them would not occur. The commanders of the different forts throughout the whole Indian country claim and exercise the right of controlling the Indian agents, and of issuing orders in

relation to the trade with the Indians by the licensed traders. From observation, both in this bureau and as a citizen of the west, I am, and have been for years, satisfied that this was the cause of most of our Indian wars. The military should be made to understand that they are in that country merely as a police, to aid the agent in the discharge of his duties, and not to control him. The law regulates the trade with Indians, and no military commander should be allowed to interfere. I am satisfied that the recent troubles at Forts Laramie and Phil. Kearney grew out of injudicious military interference. I am informed that General Cooke, commandant at Omaha, issued an order prohibiting the traders to sell to the Indians arms and ammunition. Such prohibitions I believe to be unwise, as the Indian has to depend upon the chase for his subsistence and that of his wife and children. Arms and ammunition are of absolute necessity; he will therefore, if possible, and no matter at what cost, procure them. Then, again, it is perfectly idle to say that he will accumulate them to make war on the whites. No Indian will buy two guns; one he will and ought to have; nor will he lay up any large quantity of powder, as he has no means of keeping it. He needs one gun and a little powder, and this is his only means of subsistence.

In conclusion, I will take this occasion to say that, in my opinion, the time has come when all the Indians throughout the country should be taken on large reservations, with fair annuities honestly paid them, and stock of cattle and sheep furnished them to raise. In this way the country needed by the whites can be relieved from their occupation, Indian wars prevented, vast expenditures to the government thereby saved, and a future, although limited, provided for these poor people.

If this system is not adopted, I see nothing for them but total and speedy destruction; and if this be the policy, it should be avowed openly and carried out with energy. Either destroy them at once, or do for them that which their necessities plainly require.

Very respectfully, your obedient servant,

LEWIS V. BOGY,
Commissioner.

Hon. O. H. BROWNING,
Secretary of the Interior.

Extract from letter of ex-Governor Edmunds, of Dakota, dated September 26, 1866, transmitting Agent Hanson's report of September 15, 1866.

* * * * I also have the honor to enclose a letter from Agent Hanson, in relation to the military order prohibiting the sale of ammunition, &c., to the Indians under his charge, and beg leave to recommend that you give this matter early attention, as it is one of great importance to those Indians. I am clearly of the opinion that those Indians ought not to be included as among those to whom arms and ammunition are prohibited, and am fearful that it will have a tendency to complicate and embarrass their management. * * *

Your obedient servant,

NEWTON EDMUNDS,
Ex-officio Superintendent Indian Affairs.

CROW CREEK AGENCY,
Dakota Territory, September 15, 1866.

SIR: My attention has recently been called to military General Order No. 10, dated Headquarters Department of the Platte, Omaha, Nebraska, July 31,

1866, being, in brief, an order prohibiting traders and others selling or disposing of, in any manner, arms of all description and ammunition to Indians.

It has been only a few days since I was made aware that the sale of ammunition to these Indians had been prohibited. My instructions from the superintendent, received 22d ultimo, in relation to this subject, did not include ammunition, but only mentioned "arms of all description."

I have now the honor to object to the enforcement of such an order within this agency. There never has been a time, to my knowledge, when the Indians of this agency have given more satisfactory evidence of friendship and complete acquiescence in the authority of the government than since I have been their agent. The sincerity of their cause has been tested by the most trying of all ordeals—actual starvation. The history of the white race scarcely furnishes a parallel instance of such a body of people enduring such an amount of misery with such forbearance. What better evidence does the government ask before it is willing to cease treating these Indians as alien enemies, and deal with them as with a people in amity with its authority? Since the formation of the new treaties have they committed any overt act of hostility? If not, is it right to treat these often-abused people as enemies purely upon speculation as to their further intentions? That the order is well enough when applied to some sections of the military district, where war still exists, is apparent, but that the Indians of this agency should be held responsible or made to pay any share of the penalty for the continued hostility of the Indians of the Platte, or elsewhere, is not just.

The government has furnished many of these Indians with double-barrel shot-guns. This spring I distributed eighteen, and the commission about as many more. These went into the hands of Indians who always have been friendly to the government, and to now refuse to permit them to purchase ammunition for these same guns is, under existing circumstances, without any sufficient reason that I am able to observe.

A large delegation of the Lower Brulé, Lower Yanktonais, and Two Kettle bands called on me yesterday, and asked me to have this matter changed; I have therefore to request that the order above referred to may be so far modified as to place the sale of ammunition within this agency to Indians within my control. In this way none but reliable ones will get such, and only in such quantities as in my judgment they may need for their hunting purposes.

I desire to draw your attention to one other military order, now being enforced at Forts Sully and Rice, which prohibits Indians and traders stopping in these reservations. This order I have not yet been able to see; but the Indians have consulted with me concerning it, and they complain that it does not allow them to camp within eight or ten miles of Fort Sully, and thus excludes them from the timber along the Missouri, where they have been for many years accustomed to seek shelter from the freezing winter blasts of this region.

While I am of the opinion that the military forces within this agency should be as far separated as possible from the Indians, for reasons of a moral nature, no other, I see no necessity, and but gross injustice, in this military order. Surely, a military reservation extending from fifteen to twenty miles along both sides of the Missouri river, embracing all the best timbered lands between Forts Sully and Rice, is large enough to spare to these Indians a wintering place, and trust your department of the government is generous enough to accord to them this right.

Very respectfully, your obedient servant,

J. R. HANSON,
United States Indian Agent.

Extract of report of Governor Faulk, of January 9, 1867, transmitting monthly report of Agent Hanson of December 31, 1866.

* * * * * * * * *

The question of supplying the friendly Sioux Indians with the small amount of ammunition necessary to procure their subsistence is also worthy of your attention. My own experience in the Indian country leads me to favor such a course. When they have the arms and ammunition necessary for ordinary hunting purposes, they are more contented and friendly, and are more self-sustaining. I have no doubt that the order referred to by Major Hanson, prohibiting the sale of arms and ammunition, should be revoked or in some way modified so as to relieve friendly tribes from the danger of starvation on that account, and from the necessity of carrying their peltry to British traders to exchange for such purposes. The whole subject seems to be worthy of your early attention.

I have the honor to be your obedient servant,

A. J. FAULK,

Governor and ex-officio Superintendent Indian Affairs.

Hon. LEWIS V. BOGY,

Commissioner of Indian Affairs.

Extract from monthly report of Agent Hanson, of December 31, 1866.

* * * * * * * * *

During my recent trip to Fort Sully and Fort Rice, I found the universal complaint of friendly Indians to be regarding the prohibition of the sale of ammunition. Under date of 15th September last, I wrote the Hon. Commissioner of Indian Affairs upon the subject. I have the honor to again draw attention of the Commissioner to that communication. I have advised with all the military officers within this agency from Crow creek to Fort Rice, and I have not yet found one not in favor of setting this order aside. The Indians who gather at these different points are friendly to the government and enemies to the hostile Indians, and fear them as enemies. They say they are willing to help protect the whites if they can only be permitted to purchase the means with which to do it. The Indians inimical to the government procure all the ammunition they desire from traffic with the Red River half-breeds. This the friendly Indians understand, and tell me this prohibition has driven many of their young men into the hostile camp; and again, it is now approaching the season of the year when the Indians, settled along the Missouri river, must subsist to a great extent upon such small game as cannot be successfully hunted with bows and arrows. Justice to these Indians requires that the order be immediately abrogated. I think it a very dangerous order to enforce among these Indians. At this place, Fort Sully and Fort Rice, the Indians of known friendship should be permitted to purchase ammunition in small quantities, sufficient for hunting purposes. An arrangement as to the quantity and manner of purchase can easily be made between the commander of the district, with whom I have conferred upon this subject, and the agent. I trust this subject may be regarded of sufficient importance to command immediate attention.

J. R. HANSON,

United States Indian Agent of Upper Missouri Sioux.

Extract from a letter to Colonel J. H. Leavenworth, United States Indian agent, from Winfield S. Hancock, major general commanding.

HEADQUARTERS DEPARTMENT OF THE MISSOURI,
Fort Leavenworth, Kansas, January 17, 1867.

It is not unlikely that a demand will be made before long upon the Cheyennes to redress some grievances. When that time arrives you will be notified of the fact.

They will be allowed some time to consider and talk over the matter. If you have any fear of the result leading to hostilities, you had better place yourself at Fort Larned or Fort Dodge, as you may think best.

If you can get any evidence concerning the reported murder of the Kaw by Bent's band of Cheyennes, please furnish the same to me, as I am collecting all the evidence I can in relation to the outrages committed by that tribe.

Your remark that Indians should not be allowed to visit military posts save on business is perfectly correct as a rule, and I will call attention to that matter.

I am, sir, very respectfully, your obedient servant,

WINFIELD S. HANCOCK,
Major General Commanding.

[From the Washington Chronicle, February 4, 1867.]

Sale of arms under authority of the Indian Bureau.—Interesting correspondence.—Opinions of Generals Grant and Sherman.—Necessity of transferring the bureau to the War Department.

The Secretary of War has addressed a communication to Representative Schenck, chairman of the Committee on Military Affairs, enclosing, for the information of the committee, a copy of a letter from Major Douglass, commanding Fort Dodge, dated January 13, in relation to the issue of large numbers of arms, with ammunition, to the Kiowas and other Indians, and expressing his apprehension of Indian hostilities in consequence thereof. The anxiety of the Indians for such articles is not caused by the lack of supply, because they have plenty to last for some time, but everything tends to show that the Indians are laying in large supplies preparatory to an outbreak.

Major Douglass represents the Indians to be in an unsettled condition, with much dissatisfaction on account of the unequal distribution of presents.

General Grant, on the 1st instant, enclosed a letter from Lieutenant General Sherman to the Secretary of War. General Grant says the letter shows the urgent necessity for an immediate transfer of the Indian Bureau to the War Department, and the abolition of the civil Indian agents and licensed traders. "If," he says, "the present practice is to be continued, I do not see that any course is left open to us but to withdraw our troops to the settlements, and call upon Congress to provide means and troops to carry on formidable hostilities against the Indians, until all the Indians or all the whites on the great plains, and between the settlements on the Missouri and the Pacific slope, are exterminated. The course General Sherman has pursued in this matter, in disregarding the permit of Mr. Bogy and others, is just right. I will instruct him to enforce his order until it is countermanded by the President or yourself. I would also respectfully ask that this matter be placed before the President, and his disapproval of licensing the sale of arms to Indians be asked. We have treaties with all tribes from time to time. If the rule is to be followed that all tribes with which we have treaties and to which we pay annuities can procure such articles

without stint or limit, it will not be long before the matter becomes perfectly understood by the Indians, and they avail themselves of it to equip perfectly for war. They will get arms either by making treaties themselves or through tribes who have such treaties."

General Sherman's letter is dated January 21 last, and addressed to General Hancock, commanding the military division of the Missouri, in which he says: "We, the military, are held responsible for the peace of the frontier, and it is an absurdity to attempt it if Indian agents and traders can legalize and encourage so dangerous a traffic." He says he regards the paper enclosed, addressed to Mr. D. A. Butterfield, and signed by Charles Bogy, W. R. Irwin, J. H. Leavenworth, and others, as an outrage upon our rights and supervision of the matters, and authorizes General Hancock to disregard that paper, and at once stop the practice.

This paper, addressed to Mr. Butterfield, is as follows :

"SIR: You having requested verbally to be informed in regard to your right to sell arms and ammunition to Indians, we have to state as follows: You, as an Indian trader, licensed for that purpose by the United States government, are authorized to trade or sell arms and ammunition to any Indians that are at peace with and receiving annuities from the United States government. This rule of course applies to any other regularly licensed trader as well as yourself."

MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In compliance with a resolution of the Senate of the second instant, a report of the Secretary of State, in relation to the steps taken by him to secure to the United States the right to make the necessary surveys for an interoceanic ship-canal through the territory of Colombia.

FEBRUARY 6, 1867.—Read, ordered to lie on the table and be printed.

To the Senate of the United States :

In answer to the resolution of the Senate of the 2d instant, requesting the Secretary of State to report what steps have been taken by him to secure to the United States the right to make the necessary surveys for an interoceanic ship-canal through the territory of Colombia, I transmit herewith the report of the Secretary of State.

ANDREW JOHNSON.

WASHINGTON, *February 4, 1867.*

DEPARTMENT OF STATE,
Washington, February 4, 1867.

The Secretary of State, in answer to the resolution of the Senate of the 2d instant, requesting him "to report to the Senate what steps have been taken by him to obtain from the republic of Colombia the right for the United States to make necessary surveys for an interoceanic ship-canal through the territory of that republic," has the honor to submit the following statement :

On the 16th of March last the minister of the United States of Colombia to this country submitted to the State Department a memorandum of the following purport :

The United States of Colombia offer to the United States the privilege to explore and survey any portion of the isthmus of Darien for the purpose of ascertaining the most suitable location for an interoceanic ship-canal.

2. Colombia will zealously co-operate in the undertaking by granting all the necessary authorizations, aid, and comfort within its power to facilitate the object.

3. In view of obstacles which might arise from the hostility of Indians, the United States may unite with the expedition a force sufficient for its protection, which shall enjoy the privileges usually conceded to an army passing, by permission, through a friendly state, with the addition of the right of self-defence; the said force not to exceed one hundred and fifty men, rank and file, unless actual forcible resistance by hostile Indians, or others, should render an incre

2 SHIP CANAL THROUGH THE TERRITORY OF COLOMBIA.

necessary, in which case the additional force is not to exceed five hundred men. The whole force is not to remain in the country any longer than the said survey may make it necessary, nor be employed for any other object whatsoever.

4. The government of Colombia will supply the expedition with all the maps, charts, surveys, reports, and plans, or information in its possession which the engineers may deem calculated to facilitate their labors, unless where it should be incompatible with of its existing obligations.

5. The expenses of the exploration and survey, except as otherwise stipulated, are to be defrayed by the United States.

6. In consideration of the premises, the United States of Colombia grant to any organized company of citizens of the United States of America, or its agents, or assigns, the right of priority or preference to construct and use an interoceanic ship-canal within and across the aforesaid territory, with all the necessary lands and collateral privileges to render the same effective that may be hereafter agreed upon as satisfactory to the United States of Colombia and the company aforesaid ; so that, if, by virtue of said survey, said work is to be undertaken upon the same terms, any company as aforesaid shall have the preference over any other company whatsoever. But if, after the expiration of the three years assigned for the completion of the survey in the next article, the said survey has not been made, or if it does not favor the undertaking, or if another survey be on such account deemed necessary and executed by direction of the Colombian government, then, and in any one of such cases, this privilege of priority or preference in favor of citizens of the United States shall cease.

7. The exploration and survey is to be commenced within a year, and to be finished within three years, from the date of the acceptance of the propositions contained in the memorandum by the two governments.

8. The engineers in charge of the expedition shall make the same identical reports upon the progress and result of their labors to the government of Colombia as they shall make to the government of the United States, accompanying them with the same illustrations, maps, charts, drawings, &c.

9. The above propositions are made subject to the approval of the Congress of Colombia, and the minister of Colombia undertakes to transmit them at once for the action of that body on the receipt of their conditional acceptance by the executive department of the United States.

On the 19th of March, 1866, the department addressed a note to the minister of Colombia, in reply to his memorandum, in words of the following effect: Having taken the President's views on your memorandum, the department begs to inform you that if the propositions, in the form in which you have presented them, shall be sanctioned by the government of Colombia, through the requisite treaty stipulations, the United States will accede to them, subject, however, to the ratification of the Senate.

No further information has been received from the government of Colombia on the matter, and on the 23d of last November the department again addressed the minister of Colombia, asking him what action, if any, had been taken in the premises by the Congress of Colombia. No reply has as yet been received to that communication.

Respectfully submitted :

WILLIAM H. SEWARD.

The PRESIDENT.

MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES,
COMMUNICATING,

In compliance with a resolution of the Senate of the 31st ultimo, the number and names of the deputy marshals, bailiffs, and criers in the District of Columbia who have received compensation for the year 1866.

FEBRUARY 6, 1867.—Read, ordered to lie on the table and be printed.

Senate:

with communicate a report from the Secretary of the Interior, of this answer to a resolution of the Senate of the 31st ultimo, in relation to the deputy marshals, bailiffs, and criers in the District of Columbia, who have received compensation for the year 1866.

ANDREW JOHNSON.

WASHINGTON, *February 4, 1867.*

DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 4, 1867. .

In answer to a resolution of the Senate of the 31st ultimo, directing the Secretary of the Interior to communicate "the number and names of the deputy marshals, bailiffs, and criers in the District of Columbia, who have received compensation for the year 1866, the rates of compensation, and the amount paid each," I have the honor to submit a copy of a letter of this date, from the First Comptroller of the Treasury, furnishing the desired information.

I am, sir, very respectfully, your obedient servant,

O. H. BROWNING, *Secretary.*

PRESIDENT of the United States.

TREASURY DEPARTMENT.
First Comptroller's Office, February 4, 1867.

In compliance with your request, with respect to a resolution adopted by the United States Senate on the 31st ultimo, I submit the following statement of the number and names of the deputy marshals, bailiffs, and criers in the District of Columbia, who have received compensation for the year 1866, the rates of compensation, and amount paid each:

2 DEPUTY MARSHALS, ETC., IN THE DISTRICT OF COLUMBI

Deputy United States marshals :

George W. Phillips, at \$3 000 per year.....	\$3, 0
James R. O'Beirne, to 5th November, at \$1,700 per year....	1, 4
O. P. Gooding, from 6th of November.....	2

Crier and bailiffs of United States Supreme Court :

O. P. Gooding, crier, January 1 to April 3, at \$3 per day.....	2
W. H. Smith, bailiff, January 1 to April 13, at \$3 per day.....	3
A. Phillips, bailiff, January 1 to April 13, at \$3 per day.....	3
W. H. Reardon, bailiff, January 1, to April 13, at \$3 per day.....	3

Bailiff of the orphans' court :

F. A. Jones, to June 30, 57 days, at \$2 per day.....	1
---	---

Crier of the circuit, criminal, district, and supreme courts of the District of Columbia :

W. A. Mulloy, 272 days, at \$2 per day.....	5
---	---

Bailiffs of circuit, district, and supreme courts, District of Columbia :

J. R. O'Beirne, to 5th November, 181 days, at \$2 per day.....	3
O. P. Gooding, from 6th November, 46 days, at \$2 per day.....	
H. E. L. Keese, to 5th February, 28 days, at \$2 per day.....	
J. L. Turner, from 6th February, 200 days, at \$2 per day.....	4
W. W. Kinby, to 27th November, 201 days, at \$2 per day.....	4
T. H. Robinson, from 8th December, 19 days, at \$2 per day.....	
I. M. Busher, 228 days, at \$2 per day.....	4

Bailiffs of the criminal court :

M. L. Ross, 234 days, at \$2 per day.....	4
J. F. King, 234 days, at \$2 per day.....	4
J. H. Stewart, 234 days, at \$2 per day.....	4
R. B. Hughes, 234 days, at \$2 per day.....	4
John Dewdney, 234 days, at \$2 per day.....	4

I am unable to give the payments to crier and bailiffs in the United Supreme Court at its current term, and to the bailiff of the orphans' court 30th of June, because the marshal's accounts have not all been received.

Very respectfully, your obedient servant,

R. W. TAYLER,
Comptroi

Hon. O. H. BROWNING,
Secretary of the Interior.

MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES,
COMMUNICATING,

In compliance with a resolution of the Senate of the 2d instant, a copy of the letter on which the Secretary of State founded his recent inquiries, addressed to Mr. Motley, minister of the United States at Vienna, with regard to his reported conversation and opinions.

FEBRUARY 6, 1867.—Read, referred to the Committee on Foreign Relations, and ordered to be printed.

To the Senate of the United States :

I transmit herewith, in answer to the Senate's resolution of the 2d instant, a report from the Secretary of State, with an accompanying document.

ANDREW JOHNSON.

WASHINGTON, February 5, 1867.

DEPARTMENT OF STATE,

Washington, February 4, 1867.

The Secretary of State, to whom was referred the resolution of the Senate of the 2d instant, requesting the President to communicate to that body, "if, in his opinion, not incompatible with the public interests, a copy of the letter on which the Secretary of State founded his recent inquiries addressed to Mr. Motley, minister of the United States at Vienna, with regard to his reported conversation and opinions, and to furnish the name of the writer of such letter," has the honor to lay before the President a transcript of the paper referred to.

WILLIAM H. SEWARD.

The PRESIDENT.

George W. McCrackin to the President of the United States.

PARIS, HOTEL MEURICE, October 23, 1866.

MR. PRESIDENT : I have travelled a good deal in Europe during the last Year, and had occasion to see something of our ministers and consuls in various countries. A large majority of those whom I met with were bitterly hostile to you and your administration, and expressed that hostility in so open and offensive a manner as to astonish American travellers, and to leave a very bad impression on Europeans who were present. This was particularly true of those from the New England States, of whom a large majority of our foreign repr-

sensation seems to be composed, and a very indifferent set they are, individually and collectively.

Mr. Motley, minister at Vienna, does not pretend to conceal his "disgust," as he styles it, elegantly, at your whole conduct. Having been appointed *exclusively* by Charles Sumner, he applauds him and his revolutionary doctrines, despises American democracy, and proclaims loudly that an English nobleman is the model of human perfection. There is not in all Europe a more thorough flunky, or a more un-American functionary. He tells every traveller that Sumner is entirely justified, and that you have deserted your pledges and principles in common with Mr. Seward, who he says is "hopelessly degraded."

At Frankfort the consul, Murphy, who is said to have cleared more than \$100,000 through his office, declared, repeatedly, that the threat of his friend "Zach. Chandler" would be made good, and ought to be, by your impeachment. This is notorious, and a public scandal. The fellow himself is vulgar, ignorant, and unworthy, and is one of Chandler's tools.

Hale, at Madrid, condemned your course in a malignant manner to various Americans, and so did Morris, at Constantinople.

Some of my friends who went to Morocco heard McMath, at Tangier, rail violently and shamefully against you, saying he was ready to retire from "such a concern." Perry, at Tunis, was equally offensive in his language.

There are many others in the same boat, and it is time that better men were appointed—men who will, at least, respect the President and the dignity of his office.

Radicalism of the worst sort makes war on you and your friends under every pretext, and yet the instruments of that faction are blatant all over Europe in condemnation of both. It is a shame and a stigma to permit this longer.

Massachusetts seems to monopolize a lion's share of the consulates, and Boston has no less than *three* of the first missions—Mr. Adams, Burlingame, and Motley.

Is no other part of our country to be considered or worthy of notice? Must Sumner, Butler, Phillips, Chandler, and the like, engross all the honors for their satellites?

I want nothing at your hands of any sort, but fit and decent men should be sent abroad who will not slander the chief executive and the government.

The consul at Geneva is a common drunkard, and a disgrace to the country. When sober he abuses the President in the hearing of everybody.

Respectable Americans are very much mortified by the presence of such unworthy persons in place of trust and responsibility, and few like the task of letting their experience be known as I have done. There are hundreds who know much more, but prefer to remain silent.

Most respectfully,

GEO. W. McCRACKIN,
Of New York.

A friend will deliver this note personally.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING,



In compliance with a resolution of the Senate of the 31st ultimo, a report from the Secretary of the Treasury in relation to a treaty of commercial reciprocity with the Hawaiian islands.

FEBRUARY 6, 1867.—Read and ordered to lie on the table and be printed.

To the Senate of the United States :

I transmit a report of the Secretary of the Treasury, in answer to a resolution of the Senate of the 31st ultimo, on the subject of a treaty of reciprocity with the Hawaiian islands.

ANDREW JOHNSON.

WASHINGTON, *February 4*, 1867.

TREASURY DEPARTMENT,

Washington, February 2, 1867.

The Secretary of the Treasury has received a resolution of the Senate, passed January 31, 1867, requesting the Secretary of the Treasury to report whether, in his opinion, American interests would not be subserved by a treaty of commercial reciprocity with the Hawaiian islands, and has the honor to submit the following report :

In the opinion of the Secretary of the Treasury the establishment of reciprocal trade between the United States and the kingdom of the Hawaiian islands would have the immediate effect to reduce in some degree the revenue derived from customs, while it would, on the other hand, undoubtedly tend ultimately to an enlargement of national commerce. In the opinion of the Secretary of the Treasury measures for raising revenue upon external, as well as internal, commerce fall within the proper province of Congress, and, except on extraordinary occasions, they should be instituted and carried into effect, not by an exercise of the treaty-making power, but by legislation. These opinions are in accordance with the general course of proceeding in the United States. Whether the relations existing between the United States and the kingdom of the Hawaiian islands are in such a condition as to render a resort to the treaty-making power necessary or expedient, with a view to the establishing of reciprocal trade, is a question which does not fall within the province of this department, and upon which the Secretary of the Treasury is not specially informed.

The Secretary submits, however, for the information of the Senate, in regard to the subject of the resolution, a report from the Director of the Bureau of Statistics, which report shows the imports and the exports from and to the kingdom of the Hawaiian islands during the past seven years, in values and commodities, and shows, also, the general course of trade during that period.

Respectfully submitted :

HUGH McCULLOCH.

The PRESIDENT.

TREASURY DEPARTMENT,
Bureau of Statistics, February 1, 1867.

SIR : I have the honor to acknowledge the receipt of your communication of this day's date, requesting me to furnish you with such information as may be in my possession and which may touch upon the subject of a treaty of reciprocal commerce with the Hawaiian islands, and do respectfully submit the following information :

The following table exhibits the value of the imports into the United States from the Hawaiian islands during the past seven years :

Fiscal years.	Atlantic ports.		Pacific ports.		Total Atlantic ports.	Total Pacific ports.	Total.
	American vessels.	Foreign vessels.	American vessels.	Foreign vessels.			
1860	\$112,414	None.	\$220,804	\$34,641	\$112,414	\$255,445	\$367,859
1861	110,400	None.	249,211	12,194	110,400	261,405	371,805
1862	10,562	None.	554,707	19,201	10,662	573,908	584,570
1863	250,259	None.	378,313	None.	250,259	378,313	628,572
1864	174,178	\$746,473	472,606	None.	920,651	472,606	1,393,257
1865	58,533	307,297	1,283,184	40,728	365,830	1,323,912	1,689,742
1866	48,268	195,175	1,198,395	147,267	243,443	1,345,662	1,589,105
Total in seven years.....							6,624,810

The following table exhibits the value of the exports of domestic produce from the United States to the Hawaiian islands during the past seven years:

Fiscal years.	Atlantic ports.		Pacific ports.		Total Atlantic ports.	Total Pacific ports.	Total.
	American vessels.	Foreign vessels.	American vessels.	Foreign vessels.			
1860	\$306,648	None.	\$293,775	\$37,066	\$306,648	\$330,841	\$637,489
1861	(*)	(*)	(*)	(*)	(*)	(*)	378,053
1862	(*)	(*)	(*)	(*)	(*)	(*)	496,833
1863	201,970	\$23,298	262,990	3,903	325,268	266,893	492,161
1864	101,535	393,640	574,886	152,924	495,175	727,810	1,222,985
1865	88,755	125,918	539,978	11,610	214,673	551,588	766,261
1866	151,831	93,762	752,910	53,136	245,593	806,046	1,051,639
Total in seven years.....							5,043,571

^ Records missing.

The following table exhibits the value of the exports of foreign merchandise from the United States to the Hawaiian islands during the past seven years :

Fiscal years.	Atlantic ports.		Pacific ports.		Total Atlantic ports.	Total Pacific ports.	Total.
	American vessels.	Foreign vessels.	American vessels.	Foreign vessels.			
1860	None.	None.	None.	\$8,342	None.	\$8,342	\$8,342
1861	\$43,339	(*)	\$47,872	(*)	\$43,339	47,872	91,211
1862	10,845	(*)	44,789	(*)	10,845	44,789	55,634
1863	20,676	\$3,859	37,241	(*)	24,535	37,241	61,776
1864	2,857	6,640	46,060	(*)	9,497	46,060	55,557
1865	4,866	5,898	39,348	1,955	10,764	41,303	52,067
1866	4,437	4,408	144,349	11,672	8,845	156,021	164,866
Total in seven years.....							500,712

Records missing.

Total exports, value.

1860.....	\$645, 831
1861.....	*475, 054
1862.....	*558, 089
1863.....	553, 937
1864.....	1, 278, 542
1865.....	818, 328
1866.....	1, 216, 506
Total.....	5, 546, 286

Of the imports, the principal articles imported into the Atlantic States appear to have been the products of the whale fisheries ; and of those imported into the Pacific States, the principal articles appear to have been unrefined sugar, sirup, and molasses. Of these latter commodities, there was imported the following amounts :

Statement exhibiting the quantity and value of unrefined sugar, sirup, and molasses imported into the United States from the Hawaiian islands during the past seven years.

Years.	All not above No. 12.		Above No. 12, and not above No. 15.		Above No. 15, and not above No. 20.		Sirup or molasses.		Molasses from sugar-cane.		Total sugar, sirup, and molasses
	Lbs.	Dollars.	Lbs.	Dollars.	Lbs.	Dollars.	Lbs.	Dollars.	Galls.	Dollars.	
1860.....	1, 452, 097	\$2, 574							110, 412	20, 638	103, 212
1861.....	959, 952	58, 466							55, 722	11, 068	62, 534
1862.....	965, 068	61, 809	100, 453	6, 769					19, 910	3, 639	72, 217
1863.....	772, 663	46, 761	1, 310, 111	97, 616					54, 303	11, 929	156, 306
1864.....	1, 566, 150	96, 448	2, 879, 189	188, 819					89, 600	24, 872	310, 239
1865.....	7, 355, 929	427, 872	9, 658, 827	645, 367	18, 664	1, 421	9, 712	189	504, 366	81, 463	1, 156, 283
1866.....	7, 022, 531	410, 756	8, 943, 095	614, 168					96, 363	3, 882	572, 419
Total in seven years.....											2, 992, 163

The principal imports for the past year were as follows :

Statement exhibiting the value of foreign merchandise imported into the United States from the Hawaiian islands during the year ending June 30, 1866.

Imports free of duty.....	\$239, 588
Imports paying duty.....	1, 349, 517
	1, 589, 105
Value of imports to Atlantic ports.....	\$243, 443
Value of imports to Pacific ports.....	1, 345, 662
	1, 589, 105

* From printed Commerce and Navigation Report.

Partial statement exhibiting the value of the principal articles imported from the Hawaiian islands into the United States for the year.

Coffee	\$47, 809
Fruits	13, 532
Furs	1, 478
Hides ..	33, 628
Iron, (bar)	3, 930
Other metals	2, 415
Mosses, &c., used for mattresses	17, 599
Nuts	1, 757
Oils	153, 750
Other products of fisheries, including whalebone	116, 780
Potatoes	1, 172
Rice	13, 532
Spirits, distilled	26, 229
Sugar	1, 024, 924
Sirup from cane	3, 882
Molasses	95, 567
Tallow	7, 271
Tin, in pigs and bars	1, 335
Vegetables, crude	2, 312
Wool	2, 325
Blankets, wholly or in part of wool	2, 182
All other articles	15, 698
	<hr/>
	1, 589, 105
	<hr/>

The principal exports for the past year were as follows :

Statement exhibiting the value of domestic merchandise exported from the United States to the Hawaiian islands during the fiscal year ending June 30, 1866.

Agricultural implements	\$10, 394
Horses	21, 537
Bread and breadstuffs	81, 035
Bricks, lime, and cement	12, 374
Cotton manufactures	45, 072
Drugs and medicines	11, 747
Bullion	24, 000
Gold and silver coin	62, 435
Cordage	21, 948
Boots and shoes	22, 642
Hardware	115, 654
Saddlery and harness	17, 232
Lumber, furniture, and wooden wares	263, 490
Petroleum	13, 170
Paper and stationery	12, 044
Beef, pork, hams, bacon, and preserved meats	22, 545
Dried and pickled fish and oysters	17, 457
Manufactured tobacco	19, 635
Wearing apparel and unspecified manufactures of wool	48, 000
Other articles, amounting in value to less than \$10,000 each, and all articles not enumerated	209, 228
	<hr/>
Total	1, 051, 639
	<hr/>

From these statements it appears—

First. That the commerce of the United States with the Hawaiian islands is of comparatively trifling amount. The total imports and exports from and to the Hawaiian islands, during the past seven years, amounted to but \$12,171,096 ; while the total imports and exports of the United States during the same period, amounted in the aggregate to \$4,534,226,706, or 445 times as much.

Second. That the nature of the trade between the United States and the Hawaiian islands is mainly an exchange of agricultural, forest, and manufactured products of the United States for the unrefined sugar, sirup, and molasses of the Hawaiian islands.

Third. That the quantity of unrefined sugar, sirup, and molasses imported from the Hawaiian islands into the United States, during the past seven years, was less than \$3,000,000 in value ; that the total imports of the same articles, during the same period, from all countries into the United States, was about \$220,000,000 ; and that therefore the quantity of unrefined sugar, sirup, and molasses imported from the Sandwich islands, as compared with the quantity imported from all countries, was little more than one per cent.

Fourth. That the trade is confined, for the main part, to the Pacific States, and California in particular.

Fifth. That the revenue derived from imports from the Hawaiian islands during the past seven years amounted to little more than \$700,000.

I remain, sir, very respectfully, your obedient servant,

ALEX. DELMAR, *Director.*

Hon. HUGH McCULLOCH,
Secretary of the Treasury.

LETTER
OF
THE SECRETARY OF WAR,
COMMUNICATING,

in compliance with a resolution of the Senate of January 24, 1867, the names of officers appointed under the act of July 28, 1866, who have not joined their regiments or stations; also their rank, and the regiments to which they have been assigned; together with the reasons why they have not reported as ordered.

FEBRUARY 7, 1867.—Read, ordered to lie on the table and be printed.

WAR DEPARTMENT,
Washington, February 6, 1867.

SIR: I have the honor to transmit herewith the Adjutant General's report of January 31, 1867, showing the names of officers appointed under the act of July 28, 1866, who have not joined their regiments or stations, and giving the other information called for in the Senate's resolution of January 24, 1867.

Very respectfully, sir, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. L. F. S. FOSTER,
President of the Senate.

Statement showing the names of officers appointed under the act of July 28, 1866, who have not joined their regiments or stations; also their rank, and the regiments to which they have been assigned, together with the reasons why they have not reported as ordered.

OFFICERS WHO HAVE NOT JOINED THEIR REGIMENTS.

No.	Name.	Rank.	Regiment.	Reasons why they have not reported for duty.
1	Wickliffe Cooper.....	Major	7th U. S. cavalry	Granted leave till February 8, 1867, by General Grant.
2	Albert Barnitz.....	Captain	do.....	Granted 30 days' leave, January 21, 1867, by General Grant.
3	William Thompson	do.....	do.....	Granted leave until March 1, 1867, by General Grant.
4	E. A. Whittaker.....	do.....	do.....	Appointment sent to him November 6, 1866, to Hartford, Connecticut. Not yet accepted.
5	John Birdsall.....	do.....	do.....	Appointment sent January 19, 1867. Not yet accepted.
6	Thomas B. Welr.....	First lieutenant	do.....	Granted 10 days' leave, January 10, 1867, by General Grant.
7	Frank Y. Commagere.....	do.....	do.....	Granted 30 do. do. 9, 1867, do.
8	W. Beckwith.....	do.....	do.....	Appointment sent October 22, 1866. Not yet accepted.
9	H. N. Crocker.....	do.....	do.....	Do. do.
10	Charles Brewster	Second lieutenant.....	do.....	Granted 25 days' leave, January 4, 1867, by General Grant.
11	J. B. Harrison	do.....	do.....	Appointment sent January 24, 1867. Not yet accepted.
12	J. Townsend Daniels	do.....	do.....	Do. do. do. do.
13	H. S. Thomas	do.....	do.....	Do. do. do. do.
14	R. E. Lawder.....	do.....	do.....	do. do. do. do.
15	George Williams.....	do.....	do.....	do. do. do. do.
16	Chris. E. Clay	do.....	do.....	do. do. do. do.
17	Theodore Conkey.....	do.....	do.....	do. do. do. do.
18	H. W. Smith	do.....	do.....	do. do. do. do.
19	James P. Brownlow	Captain	8th U. S. cavalry	Granted leave until April 1, 1867, by the Secretary of War, to enable him to close accounts in Tennessee.
20	A. Basford.....	do.....	do.....	Appointment sent November 9, 1866, to New York city. Not yet accepted.
21	Dudley Seward.....	do.....	do.....	Do. do. do. do.
22	Jenyns C. Battersby	do.....	do.....	do. do. do. do.
23	Rufus Scott.....	do.....	do.....	do. do. do. do.
24	Samuel P. Smith	do.....	do.....	do. do. do. do.
25	A. B. Kaufman	First lieutenant	do.....	Granted 15 days' leave, January 23, 1867, by General Grant.
26	S. E. Chamberlin	do.....	do.....	Granted 30 do. do. 31, 1867, do.
27	A. E. Hooker.....	do.....	do.....	Appointment sent January 2, 1867. Not yet accepted.
28	John S. Nimmo.....	do.....	do.....	do. do. do. do.
29	W. R. Matterson	do.....	do.....	do. do. do. do.
30	J. M. McConn	do.....	do.....	do. do. do. do.
31	C. W. Lee.....	do.....	do.....	do. do. do. do.
32	E. B. Staples	do.....	do.....	Address not known.
33	C. M. Parks	do.....	do.....	Appointment sent January 9, 1867. Not yet accepted.
34	William McCleave	Second lieutenant.....	do.....	do. do. do. do.
35	A. Allman.....	do.....	do.....	do. do. do. do.
36	A. J. Jesup.....	do.....	do.....	do. do. do. do.
37	Mortimer M. Wheeler	do.....	do.....	do. do. do. do.
38	A. W. Starr	do.....	do.....	do. do. do. do.

44	R. S. Oliver.....	do.	do.	do.	9, 1867.	do.
45	Ray T. Gordon.....	do.	do.	do.	9, 1867.	do.
46	William M. Bayard.....	Captain	9th U. S. cavalry	Granted 15 days' leave, January 22, 1867, by General Grant.	do.	do.
47	John M. Bacon.....	do.	do.	Granted 30 " do.	do.	do.
48	H. B. Scott.....	do.	do.	Address not known.	do.	do.
49	A. M. Duggan.....	do.	do.	Appointment sent January 24, 1867.	Not yet accepted.	do.
50	M. H. Kidd.....	do.	do.	do. October 22, 1866.	do.	do.
51	Gurnsey W. Davis.....	do.	do.	do. January 16, 1867.	do.	do.
52	John Leavitt.....	do.	do.	do. do. 24, 1867.	do.	do.
53	Edward M. Heyl.....	First lieutenant	do.	Granted 10 days' leave, January 30, 1867, by General Grant.	do.	do.
54	Michael Cooney.....	do.	do.	Granted 30 " do.	do.	do.
55	Isaac F. Maffatt.....	do.	do.	Granted 25 " do.	do.	do.
56	F. S. Dodge.....	do.	do.	Granted 15 " do.	do.	do.
57	T. A. Bolce.....	do.	do.	Appointment sent January 9, 1867.	Not yet accepted.	do.
58	J. M. Skilton.....	do.	do.	do. do. 21, 1867.	do.	do.
59	E. Y. Lansing.....	do.	do.	do. do. 9, 1867.	do.	do.
60	Keys Danforth.....	do.	do.	do. do. 24, 1867.	do.	do.
61	J. G. Binney.....	Second lieutenant	do.	Granted 30 days' leave, January 18, 1867, by General Grant.	do.	do.
62	L. H. Rucker.....	do.	do.	Granted 3 weeks' " do.	do.	do.
63	Charles Parker.....	do.	do.	Appointment sent January 24, 1867.	Not yet accepted.	do.
64	J. G. Birney.....	do.	do.	do. do. 2, 1867.	do.	do.
65	J. L. Humfreville.....	do.	do.	do. do. 16, 1867.	do.	do.
66	P. F. Swing.....	do.	do.	do. do. 16, 1867.	do.	do.
67	Byron Dawson.....	do.	do.	do. do. 24, 1867.	do.	do.
68	H. H. Steere.....	do.	do.	do. do. 19, 1867.	do.	do.
69	E. D. Town.....	do.	do.	do. do. 9, 1867.	do.	do.
70	H. E. Scott.....	do.	do.	do. do. 21, 1867.	do.	do.
71	E. B. Campbell.....	do.	do.	do. do. 16, 1867.	do.	do.
72	E. F. Winslow.....	Major	10th U. S. cavalry	do. do. 9, 1867.	do.	do.
73	Edward Byrne.....	Captain	do.	Granted leave until February 1, 1867, by General Grant.	do.	do.
74	George A. Armes.....	do.	do.	Appointment sent December 27, 1866, to Fort Sedgwick, D. T.	Not yet accepted.	do.
75	H. Jenkins.....	do.	do.	Address not known.	do.	do.
76	P. E. Fisher.....	do.	do.	Appointment sent January 9, 1867.	Not yet accepted.	do.
77	G. F. Robinson.....	do.	do.	Address not known.	do.	do.
78	J. W. Blunt.....	do.	do.	Appointment sent January 9, 1867.	Not yet accepted.	do.
79	D. H. Kinnell.....	First lieutenant	do.	do. do. 17, 1867.	do.	do.
80	George J. Ker.....	do.	do.	do. do. 17, 1867.	do.	do.
81	Francis McCabe.....	do.	do.	do. do. 11, 1867.	do.	do.
82	H. K. Redway.....	do.	do.	do. do. 2, 1867.	do.	do.
83	Nathaniel Cole.....	do.	do.	do. do. 9, 1867.	do.	do.
84	W. Munson.....	do.	do.	Address not known.	do.	do.
85	A. T. Alvon.....	do.	do.	do.	do.	do.
86	P. L. Lee.....	do.	do.	Appointment sent January 9, 1867.	Not yet accepted.	do.
87	George T. Raulston.....	Second lieutenant	do.	Granted 15 days' leave, January 22, 1867, by General Grant.	do.	do.
88	J. D. Platt.....	do.	do.	Appointment sent January 16, 1867.	Not yet accepted.	do.
89	H. P. Burroughs.....	do.	do.	do. do. 19, 1867.	do.	do.
90	Francis Le Clair.....	do.	do.	do. do. 24, 1867.	do.	do.
91	De Witt C. McMichael.....	do.	do.	do. do. 25, 1867.	do.	do.
92	J. J. Jones.....	do.	do.	do. do. 9, 1867.	do.	do.
93	William E. Doyle.....	do.	do.	do. do. 24, 1867.	do.	do.
94	John Ayres.....	do.	do.	do. do. 16, 1867.	do.	do.
95	R. W. Peckham.....	do.	do.	do. do. 9, 1867.	do.	do.

Statement showing the names of officers appointed under the act of July 28, 1866, &c.—Continued.

No.	Name.	Rank.	Regiment.	Reasons why they have not reported for duty.
96	L. H. Hendrick.....	Second lieutenant.....	10th U. S. cavalry.....	Address not known.
97	M. J. Ammick.....	do.....	do.....	Appointment sent January 24, 1867. Not yet accepted.
98	William J. Ross.....	First lieutenant.....	11th U. S. infantry.....	do. 9, 1867. do.
99	Manuel Eyre.....	do.....	14th U. S. infantry.....	Granted permission to delay reporting for duty until February 21, 1867, by General Grant.
100	S. S. Seward.....	do.....	do.....	Address not known.
101	John T. Croxton.....	Captain.....	15th U. S. infantry.....	Appointment sent November 6, 1866, to Paris, Kentucky. Not yet accepted.
102	James T. Meline.....	First lieutenant.....	do.....	do. January 16, 1867. Not yet accepted.
103	Robert W. Adams.....	Second lieutenant.....	do.....	do. 24, 1867. do.
104	W. S. Jones.....	do.....	16th U. S. infantry.....	do. 9, 1867. do.
105	Sidney E. Clarke.....	do.....	do.....	do. 2, 1867. do.
106	Louis J. Lambert.....	First lieutenant.....	17th U. S. infantry.....	do. 9, 1867. do.
107	J. A. Campbell.....	do.....	do.....	do. 21, 1867. do.
108	John Hough.....	Second lieutenant.....	do.....	do. 9, 1867. do.
109	John P. Hall.....	do.....	18th U. S. infantry.....	do. 24, 1867. do.
110	Emil F. Itz.....	do.....	do.....	do. 9, 1867. do.
111	William Hanna.....	do.....	19th U. S. infantry.....	do. 24, 1867. do.
112	R. Martin.....	do.....	20th U. S. infantry.....	Address not known.
113	William McK. Dunn.....	Captain.....	21st U. S. infantry.....	Granted 5 months' leave, December 10, 1866, by General Grant.
114	Augustus R. Egbert.....	Second lieutenant.....	do.....	Granted permission to delay reporting for duty 30 days, January 24, 1867, by General Grant.
115	Elwell S. Otis.....	Lieutenant colonel.....	22d U. S. infantry.....	Appointment not sent out; his address not known.
116	Joseph T. Haskill.....	Captain.....	23d U. S. infantry.....	Granted permission to delay reporting for duty 40 days, December 26, 1866, by General Grant.
117	Seth Weldy.....	do.....	do.....	do. do. do. 30 days, January 3, 1867, do.
118	Henry Jones.....	First lieutenant.....	24th U. S. infantry.....	Appointment sent November 16, 1866. Not yet accepted.
119	Radley Winslow.....	Second lieutenant.....	do.....	do. January 9, 1867. do.
120	D. C. Wager.....	First lieutenant.....	25th U. S. infantry.....	do. 9, 1867. do.
121	R. S. Eggleston.....	Second lieutenant.....	do.....	do. 9, 1867. do.
122	J. W. Kelfer.....	Lieutenant colonel.....	26th U. S. infantry.....	do. 11, 1867. do.
123	Gregory Barrett, jr.....	First lieutenant.....	do.....	Granted permission to delay reporting for duty until February 1, 1867, by the Secretary of War.
124	B. F. Campbell.....	do.....	do.....	Appointment sent January 24, 1867. Not yet accepted.
125	J. S. Gates.....	Second lieutenant.....	do.....	do. 19, 1867. do.
126	L. P. Bradley.....	Lieutenant colonel.....	27th U. S. infantry.....	Granted leave until February 1, 1867, by General Grant.
127	George E. Atwood.....	Captain.....	do.....	do. March 1, 1867. do.
128	Barr H. Polk.....	First lieutenant.....	do.....	Appointment sent January 2, 1867. Not yet accepted.
129	Ellott W. Rice.....	do.....	30th U. S. infantry.....	do. 9, 1867. do.
130	Lemuel B. Norton.....	Second lieutenant.....	do.....	do. 2, 1867. do.
131	R. H. Bowerman.....	Lieutenant colonel.....	31st U. S. infantry.....	Granted 30 days' leave, January 30, 1867, by General Grant.
132	E. P. Brown.....	First lieutenant.....	do.....	Appointment sent January 9, 1867. Not yet accepted.
133	R. Frank Walborn.....	Second lieutenant.....	do.....	Granted permission to delay reporting for duty 30 days, January 19, 1867, by General Grant.
134	Thomas L. Crittenden.....	Colonel.....	32d U. S. infantry.....	Granted 30 days' leave, October 26, 1866, by General Grant. (Believed to have joined.)
135	Robert Pollock.....	First lieutenant.....	do.....	Appointment sent January 23, 1867. Not yet accepted.
136	T. F. Wright.....	do.....	do.....	do. 9, 1867. do.
137	Sheldon Guthrie.....	Second lieutenant.....	do.....	do. 16, 1867. do.
138	Mass W. Bart.....	First lieutenant.....	33d U. S. infantry.....	do. 9, 1867. do.
139	O. A. Earnest.....	Second lieutenant.....	do.....	do. 9, 1867. do.

P. W. Spelling	Rank	Regiment	Address	Date	Remarks
Charles L. Wall	Second lieutenant	do	Address not known.	do, 24, 1867	Not yet accepted.
James H. Comstock	do	do	Appointment sent January 9, 1867.	do, 24, 1867	do.
William H. Morgan	First lieutenant	36th U. S. Infantry	do.	do, 15, 1867	do.
John F. McCormick	Second lieutenant	do	do.	do, 15, 1867	do.
Douglas Pope	First lieutenant	37th U. S. Infantry	do.	do, 15, 1867	do.
C. A. Zollinger	do	do	do.	do, 15, 1867	do.
H. C. Cochran	do	do	do.	do, 15, 1867	do.
Albert D. Vines	Captain	38th U. S. Infantry	do.	do, 15, 1867	do.
F. M. Crandall	do	do	do.	do, 15, 1867	do.
O. A. Bartholomew	First lieutenant	do	do.	do, 15, 1867	do.
J. B. Yates	do	do	do.	do, 15, 1867	do.
J. N. Sells	do	do	do.	do, 15, 1867	do.
C. A. Andrews	do	do	do.	do, 15, 1867	do.
P. W. Parker	do	do	do.	do, 15, 1867	do.
Silas Houser	do	do	do.	do, 15, 1867	do.
George H. Fritz	do	do	do.	do, 15, 1867	do.
B. M. Under	do	do	do.	do, 15, 1867	do.
William M. Boggs	Second lieutenant	do	do.	do, 15, 1867	do.
J. C. Sumner	do	do	do.	do, 15, 1867	do.
T. L. B. Weetia	do	do	do.	do, 15, 1867	do.
R. H. King	do	do	do.	do, 15, 1867	do.
J. N. Morgan	do	do	do.	do, 15, 1867	do.
William Weston	do	do	do.	do, 15, 1867	do.
Cor. W. P. Anderson	do	do	do.	do, 15, 1867	do.
C. O. Loomis	do	do	do.	do, 15, 1867	do.
S. A. Doonan	First lieutenant	39th U. S. Infantry	do.	do, 15, 1867	do.
N. Burwell	do	do	do.	do, 15, 1867	do.
George Baldy	do	do	do.	do, 15, 1867	do.
Logan Tompkins	do	do	do.	do, 15, 1867	do.
Emil Adum	do	do	do.	do, 15, 1867	do.
Michael Courtney	do	do	do.	do, 15, 1867	do.
H. Baxter Quimby	do	do	do.	do, 15, 1867	do.
William Hoeftke	do	do	do.	do, 15, 1867	do.
J. Ham Davidson	do	do	do.	do, 15, 1867	do.
T. P. Morrison	do	do	do.	do, 15, 1867	do.
O. W. Edmund	do	do	do.	do, 15, 1867	do.
J. M. Lee	do	do	do.	do, 15, 1867	do.
Edward W. Hinks	Lieutenant colonel	40th U. S. Infantry	do.	do, 15, 1867	do.
L. W. Price	do	do	do.	do, 15, 1867	do.
R. F. Taylor	First lieutenant	do	do.	do, 15, 1867	do.
J. A. Bailey	do	do	do.	do, 15, 1867	do.
Eric L. Dew	do	do	do.	do, 15, 1867	do.
W. N. Beards	Second lieutenant	do	do.	do, 15, 1867	do.
John Moulton	do	do	do.	do, 15, 1867	do.
L. W. Price	do	do	do.	do, 15, 1867	do.
R. F. Taylor	do	do	do.	do, 15, 1867	do.
J. A. Bailey	do	do	do.	do, 15, 1867	do.
Eric L. Dew	do	do	do.	do, 15, 1867	do.
W. N. Beards	do	do	do.	do, 15, 1867	do.
John Moulton	do	do	do.	do, 15, 1867	do.

Statement showing the names of officers appointed under the act of July 28, 1866, &c.—(Continued.)

No.	Name.	Rank.	Regiment.	Reasons why they have not reported for duty.
190	John E. Simpson	Second lieutenant	40th U. S. Infantry	Appointment sent January 9, 1867. Not yet accepted.
191	F. W. Watkins	do.	do.	do. 19, 1867. do.
192	E. J. Silvers	do.	do.	do. 26, 1867. do.
193	D. W. Wilson	do.	do.	do. 22, 1867. do.
194	John D. Simpson	do.	do.	do. 24, 1867. do.
195	George W. Howard	do.	do.	do. 9, 1867. do.
196	William R. Shafter	Lieut. colonel	41st U. S. Infantry	do. 21, 1867. do.
197	William Arnold	Captain	do.	do. November 15, 1866, to Fort Philip Kearney. Not yet accepted.
198	S. K. Schwenc	First lieutenant	do.	Granted leave till March 5, 1867, by General Grant.
199	W. W. Wardrop	do.	do.	Appointment sent January 19, 1867. Not yet accepted.
200	B. Langdon	do.	do.	do. 16, 1867. do.
201	William Wilson	do.	do.	do. 19, 1867. do.
202	George E. Albee	Second lieutenant	do.	Granted permission to delay reporting for duty thirty days, January 12, 1867, by General Grant.
203	Jacob Sharp	do.	do.	Appointment sent January 19, 1867. Not yet accepted.
204	Henry W. Lawton	do.	do.	do. 9, 1867. do.
205	Robert Neeley	do.	do.	Address not known.
206	P. H. White	do.	do.	Appointment sent January 9, 1867. Not yet accepted.
207	A. A. Rice	do.	do.	do. 9, 1867. do.
208	Samuel E. Armstrong	do.	do.	do. 9, 1867. do.
209	Thomas Sharpe	do.	do.	do. 9, 1867. do.
210	Walter J. Collins	do.	do.	do. December 28, 1866. do.
211	George D. Hill	First lieutenant	42d U. S. Infantry	do. January 9, 1867. do.
212	W. F. Lynch	do.	do.	Granted permission to delay reporting for duty thirty days, January 5, 1867, by General Grant.
213	Aquila Wiley	do.	do.	Granted leave for thirty days, January 20, 1867, by the Secretary of War.
214	George W. Carter	Second lieutenant	do.	Appointment sent December 28, 1866. Not yet accepted.
215	Benj. F. Harris	Captain	43d U. S. Infantry	do. January 9, 1867. do.
216	W. H. Brown	First lieutenant	do.	do. October 19, 1866. do.
217	John Tylar	do.	do.	do. January 2, 1867. do.
218	John Leonard	do.	do.	do. December 28, 1866. do.
219	Edward Murphy	Captain	44th U. S. Infantry	do. 28, 1866. do.
220	J. W. Foust, jr.	First lieutenant	do.	do. November 15, 1866, to Indianapolis, Ind. Not yet accepted.
221	Samuel A. Porter	Second lieutenant	do.	do. January 22, 1867. Not yet accepted.
222	Adam Miller	do.	do.	Address not known.
223	E. B. Northup	do.	do.	do.
224	John Mansfield	First lieutenant	45th U. S. Infantry	Appointment sent December 31, 1866. Not yet accepted.
225	B. F. Foust	do.	do.	do. January 22, 1867. do.
226	J. E. Cornelius	do.	do.	do. December 28, 1866. do.
227	Henry R. Williams	Second lieutenant	do.	do. 28, 1866. do.
				Granted twenty days' leave January 14, 1867, by General Howard.

E. D. TOWNSEND, Assistant Adjutant General.

LETTER
OF THE
SECRETARY OF THE INTERIOR,
COMMUNICATING,

In compliance with a resolution of the Senate of January 31, 1867, information in relation to the condition of the Indians now located in the vicinity of Lake Traverse and Fort Wadsworth, Dakota Territory, at the outbreak in Minnesota in 1862, the part they took in connection with that outbreak, and the cause of their being permitted to remain near the Minnesota frontier.

FEBRUARY 7, 1867.—Referred to the Committee on Indian Affairs and ordered to be printed

DEPARTMENT OF THE INTERIOR,
Washington, D. C., February 6, 1867.

SIR: I have the honor to transmit herewith a copy of a communication dated the 5th instant, from the Commissioner of Indian Affairs, containing the information called for by Senate resolution of January 31, 1867, which is in the following words:

"Resolved, That the Secretary of the Interior be, and he is hereby, respectfully requested to report to the Senate the condition of the Indians now located in the vicinity of Lake Traverse and Fort Wadsworth, Dakota Territory, at the outbreak in Minnesota in 1862; the part they took in connection with that outbreak, the cause of their being permitted to remain near the Minnesota frontier when the other surrendered Sioux were sent to the Crow Creek reservation in 1863; whether they have been uniformly friendly in their relations with the whites since the outbreak, or otherwise; whether they have any reservation allotted them; and whether they have been recipients from the Interior Department, since the outbreak, of any annuities, clothing, provisions, or agricultural implements; and whether their removal from their present location to a point more removed from the Minnesota frontier, is contemplated by the Interior Department."

Very respectfully, your obedient servant,

O. H. BROWNING, *Secretary.*

Hon. LAFAYETTE S. FOSTER,
President of the Senate, Washington.

DEPARTMENT OF THE INTERIOR, OFFICE INDIAN AFFAIRS,
Washington, D. C., February 5, 1867.

SIR: I have the honor to acknowledge the receipt, by reference from your department, of a resolution of inquiry, passed by the Senate on the 31st ultimo, in the following words: *"Resolved, That the Secretary of the Interior be, and is*

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hereby respectfully requested, to report to the Senate, the condition of the Indians now located in the vicinity of Lake Traverse and Fort Wadsworth, Dakota Territory, at the outbreak in Minnesota in 1862; the part they took in connection with that outbreak; the cause of their being permitted to remain near the Minnesota frontier, when the other surrendered Sioux were sent to the Crow Creek reservation, in 1863; whether they have been uniformly friendly in their relations with the whites since the outbreak, or otherwise; whether they have any reservations allotted them; and whether they have been recipients from the Interior Department, since the outbreak, of any annuities, clothing, provisions, or agricultural implements; and whether their removal from their present location to a point more removed from the Minnesota frontier is contemplated by the Interior Department." In response to the above inquiries, in their order, I beg leave to report:

First. In regard to the condition of the Sioux Indians referred to at the time of the outbreak of 1862.—A large number of them had been for some years settled upon their reservations along the St. Peters or Minnesota river, in pursuits of agriculture. They had good schools and were advancing rapidly in civilization; their agricultural operations were carried on with great success, so far as they were undertaken, and that in spite of the opposition of portions of the four bands who occupied the reservation, divided into Upper and Lower Sioux. Full statements as to the condition of these Indians, so far as it may be deduced from the results of their farming operations, are to be found in the very full and careful report of agent Galbraith, printed, at pages 262, *et seq.*, of the Annual Report of this office for 1863, extracts from which are appended, marked A.

It is apparent from that report that the condition of the "farmer Indians" was, in material wealth and prosperity, fully equal to that of white settlers upon the frontiers. They were in receipt of liberal annuities, secured to them by treaty upon the sale of a large body of land to the government.

Second. As to the part taken by the Indians, concerning whom inquiry is made in the outbreak of 1862.—That the outbreak of hostilities commenced among the Sioux at lower agency, and spreading to those in that agency who were opposed to civilization, and thence to the Indians of the same class in the upper agency, was attended by the usual atrocities of Indian warfare. The murder of so large a number of the settlers by hostile parties scattered in various directions, of course exasperated the people of Minnesota to that degree that no Indian, be he ever so friendly, was safe within the limits of the State; and the military force sent into that region to quell the disturbance, by its prompt and severe action, had the effect to drive all the Sioux beyond the frontier, with very few exceptions. Some of those who were proved or supposed to have actually taken part in the massacre of whites were taken prisoners, and of these, thirty-nine were hung at Mankato, and a large number sent to Davenport in confinement. It was for the most part the wives and children, and old men belonging to the families of these prisoners, who were sent to Crow Creek reservation, though some of the surrendered Indians, known to have been friendly, accompanied them. The more guilty, of all the bands, fled far to the northward, and have since been living in the region not far from Pembina, and mostly beyond the British line. A large number who professed, and in many cases had manifested, their friendship, but who fled from the indiscriminate vengeance of the whites, have been living since 1862 about Lake Traverse and in the vicinity of Fort Wadsworth. These are the subjects of this inquiry, and it is not believed that any of them took any except a friendly part in the outbreak referred to.

For a more full statement of these matters, I beg leave to refer to papers relating to these Indians, printed at page 225, *et seq.*, of the annual report of this office for 1866; particularly to a report from this office dated April 20, 1866, a copy of which is herewith, marked B.

*ird. As to the cause of allowing these people to remain, when the others
ent to Crow creek.*—The facts above stated, and referred to in the docu-
cited, throw some light upon the subject; but it is further evident,
reports of military officers, that these Indians, employed by and under
f the government, have really been of great service in protecting the
r from other and hostile bands of Sioux, with whom war prevailed down
summer of 1865. Another consideration was, that the reservation at
creek was speedily found and reported to be unfit for an agricultural
ment.

*irth. Whether these Indians have been uniformly friendly in their rela-
with the whites, or otherwise.*—It is stated by those who know these
well, that there are none among them who are or have been hostile.
e contrary, it is shown by the papers herein referred to that many of
have risked their lives in defending the whites, with very poor reward.

th. Whether they have reservations.—They have none. The action of
ess in declaring their treaties abrogated, and its consequences, are fully
in the papers above referred to in the annual report of 1866.

*h. Whether they have received from the Interior Department, since the
ak, any annuities, clothing, provisions, or agricultural implements.*—Their
ies were forfeited, and no aid has been given them, except, that on one
on a lot of hoes to the amount of \$800 was furnished them on the urgent
entation of Generals Curtis and Sibley, and other parties.

*enth. Whether their removal from their present location to a point more
ed from the Minnesota frontier is contemplated by the Interior Depart-
—In reply to this inquiry, I have to state that this office is not prepared
gest any definite plan for the removal and settlement elsewhere of these
is, until after a full conference with them and their friends. Representa-
biefs are now here, invited for the purpose of such conference. They
the arrival, now daily expected, of the Sioux from Niobrara and from the
on reservation; and it is my hope to be able to devise some plan for the
of all these Indians which will conduce to their benefit, and to do justice
tried fidelity of the friendly Sioux, and to submit such plans to Congress
h your department at an early day.*

Very respectfully, your obedient servant,

LEWIS V. BOGY, *Commissioner.*

1. O. H. BROWNING,

Secretary of the Interior.

A.

Extract from report of Agent Galbraith, 1863.

* * * * *

ow deem it proper to give an account of the destruction of property upon
ervations, and in this I will be as particular as the limits of this report will
-not so particular as I would desire—but sufficiently so to convey a clear
l idea of the matter.

the dwelling-houses, (except two Indian houses,) stores, mills, shops, and
uildings, with their contents, and the tools, implements, and utensils upon
per reservation were either destroyed or rendered useless. After a care-
mate I place the loss sustained upon the upper reservation at the sum of
00.

he lower reservation the stores, warehouses, shops, and dwellings of the
és, with their contents, were destroyed entirely, and most of the imple

ments and utensils, and some of the Indian houses, (eight, I believe, worth, with their contents, about \$5,000,) were also destroyed or rendered useless. The mills and all the rest of the Indian dwellings were left comparatively unharmed by the Indians.

The new stone warehouse, although burned out as far as it could be, needs only an expenditure of a few hundred dollars to make it as good as ever. I put this loss at \$375,000. If, however, no attention is paid to the standing and uninjured houses and mills, they, too, may be taken as destroyed—lost to all practical purposes—as I feel almost certain that such will be the case. I therefore estimate the entire loss at the lower agency, in buildings, goods, stock, lumber, supplies, fences, and crops, at not less than \$500,000. Thus, on the reservations alone, we find a direct loss of about \$1,000,000, and most of this is to be placed to the account of the United States, as trustee for the Indians. Indeed, I much doubt whether a million dollars will cover this loss.

An estimate of the quantity of the growing crops has already been given. I now present an estimate of their value on the reservations:

LOWER SIOUX.

25,625 bushels corn, at 80 cents.....	\$20, 500
32,500 bushels potatoes, at 50 cents.....	16, 250
13,500 bushels turnips, at 20 cents.....	3, 700
Beans, peas, pumpkins, squashes, and other vegetables.....	8, 000
Total Lower Sioux.....	<u>48, 450</u>

UPPER SIOUX.

27,750 bushels corn, at \$1.....	\$27, 750
37,500 bushels potatoes, at 75 cents.....	28, 125
20,250 bushels turnips, at 30 cents.....	6, 075
Beans, peas, pumpkins, squashes, and other vegetables.....	9, 000
Total Upper Sioux.....	<u>70, 950</u>
Add Lower Sioux.....	<u>48, 450</u>
	<u>119, 400</u>

Here, then, we have the value of the crops in round numbers say \$120,000, and I am satisfied, as I live, that this estimate is below the real cost of these things on the reservations as things at present rate.

At the time of the outbreak the corn (being early Indian corn) was just ripe enough to invite the attacks of myriads of blackbirds and crows, which infest the frontier, and it is safe to say that these birds devour full one-half of the corn of the Lower Sioux, and perhaps as much of that of the Upper Sioux, below Lac qui Parle. The Indians on Big Stone lake, and, for the most part, at Lac qui Parle, had gathered and buried their corn before the outbreak effectually reached them. Indeed, this is true of most of the Upper Sioux above Hazelwood mission.

The Lower Sioux and the Upper Sioux below the mission, gathered none of theirs, except what they used for "roasting ears" or green corn. It was abandoned to the birds and immense herds of cattle which Crow's party had taken from the settlers on the frontier. These herds were large—how large I cannot state—but sufficiently large to destroy a large quantity of corn, and, with the Indians, used up, to a considerable extent, potato crops.

It is impossible to form an accurate estimate of the amount of crops on the reservation when General Sibley's command first crossed the Minnesota river, on the 19th day of September, A. D. 1862. I think it perfectly safe to state that at least one-third of the corn and more than three-fourths of the potatoes remained at that time. On that day General Sibley had at least one thousand four hundred and fifty, rank and file, besides his teamsters and camp followers, who numbered, together, not less than one hundred and fifty men, and he must then have had at least two hundred and fifty horses.

After the battle of Wood lake he was re-enforced, on the 25th of September, by not less than one hundred men, with their transportation teams. After that time "mounted men," each one riding one horse and leading another, in companies, began to scatter in, until, by the time he left Camp Release, General Sibley must have had connected with his expedition not less than two thousand two hundred men and six hundred horses; and during his stay on the reservations, from the 19th day of September until the 9th day of November, he must have had, on an average, not less than one thousand eight hundred men and three hundred and fifty horses connected with his expedition. In addition to these, the camp of Indian prisoners which was taken on the 25th of September numbered not less, on an average, than one thousand seven hundred persons, with about one hundred yoke of oxen and one hundred and twenty-five ponies and horses. All these remained on the reservations until the 9th day of November, in all, on an average, say, fifty days.

How much all these men, women, and children, horses, oxen, and ponies consumed in these fifty days I know not; the "rank and file," I know, were by no means liberally supplied with rations; sometimes, yea, oftentimes, they had little else to eat than potatoes and salt and parched corn, and very little salt at that. The horses had little forage besides corn; and the Indians literally lived on corn and potatoes and beef, foraged or got the best way we could get it. All these potatoes and most of this corn were gathered upon the reservations. How much it was I know not, nor will anybody ever know.

I state only my own conclusions when I assert that more than one-half of the actual subsistence of the soldiers, teamsters, Indian prisoners, horses, ponies, and oxen connected with Colonel (now General) Sibley's expedition, while he remained on the reservations, were obtained from the Indian plantings.

Starving men, starving horses, hungry Indians, and hungry oxen "gobbled up" the corn and potatoes at a great rate, when supplies and rations were out of the question, away in "the rear." I leave this interesting subject for those more apt than I in supplying armies in the field. Why not investigate it, so that the books be balanced between the Interior and War Departments?

In justice to General Sibley, I must say that, situated as he was, it was utterly impossible for him to have kept even an approximate account of the things thus used. He did all in his power in this as well as every other respect. With the means at his command he accomplished wonders.

On the 7th, 8th, 9th, and 10th of November, when the troops, Indians, and everybody else abandoned the reservations, there was left of the crops on the upper reservation, below Big Stone lake, about 4,000 bushels of potatoes and little if any corn, and on the lower reservation about 15,000 bushels of potatoes and 2,000 bushels of corn. We have no definite accounts from Big Stone lake, but doubtless the Indians gathered their crops there.

Much of the lumber was left uninjured at the lower agency, and the iron, steel, stores, and ploughs there were very little damaged. The lumber and stores were used advantageously by General Sibley's command, and the general's direction that all property not needed by his command should be properly cared for.

As I had of a reasonable necessity to abandon the agency and place myself

in the care of the army, I felt and realized that I had little to say or do, and tried to say or do as little as possible, except to obey orders. I felt that I was *functus officio*, and yielded the practical control of affairs to Major General Pope, by whose authority I expect every reasonable account will be given of the property taken possession of by the army. Indeed, all the property taken possession of by General Sibley was needed by his command to such an extent that he had to take it or allow his men to suffer, and I certainly would not, even if I had believed that I had the power, have objected to the appropriation of any property on the reservations to the use and comfort of the gallant men who so promptly rushed to arms at their country's call.

B.

Report of Commissioner of Indian Affairs.

DEPARTMENT OF THE INTERIOR, OFFICE INDIAN AFFAIRS,
 April 20, 1866.

SIR: The subject of the condition of the various bands of Sioux of the Mississippi, their location, subsistence, and the future policy to be observed towards them, presses upon this office from so many different directions, that it has seemed desirable to attempt a general review of the situation of things; to present such suggestions as appear practical in regard to each branch of the subject; and to ask that, if possible, a definite policy may be decided upon, which this office may endeavor to carry into effect, with means provided for the purpose by Congress. I will endeavor to present this review in as brief a form as possible, referring for many particulars to the papers herewith transmitted.

The four bands of Sioux referred to are the Sisseton, Wahpaton, Medawakanton, and Wahpakoota bands, who were, in the year 1862, by virtue of treaties made in 1851 and 1858, located upon an extensive reservation lying along the south side of the Minnesota river, ten miles in width, and extending from a point on the west line of Minnesota near the upper end of Big Stone lake, to the vicinity of Fort Ridgley. These Indians had a large income from the proceeds of the cession of their lands, and a considerable portion of them had advanced so far in civilization that they had abandoned savage life, and were cultivating the soil with great success.

It is unnecessary to refer in any detail to the causes of or the circumstances attending the outbreak of the summer and fall of 1862, with its horrors of massacre and plunder. It is apparent that this outbreak took place at first among the Lower bands, the Medawakantons and Wahpakootas, and that the Upper bands for the most part refused to take part in it, as did some considerable portion of the Lower bands. Many of those who felt no inclination towards hostilities, feared that the vengeance of the whites would fall upon them as a portion of the tribes, and fled to the northward, leaving their homes.

The results of the military expeditions sent against these Indians were their complete expulsion from the State of Minnesota; the capture of a large number of them by the troops, (some of them having voluntarily surrendered, claiming to have taken no part in the massacres, and some, again, bringing with them whites rescued from their hostile brethren;) the death, by hanging, of a portion of the leaders; the confinement at Davenport, Iowa, up to a recent date, of about two hundred men, convicted by military commission of greater or less complicity in the outbreak, but many even of these always protesting their innocence; the forced migration to Crow Creek reservation, in Dakota, of more than 1,000, being mostly old men, women, and children, the families of those who had been

ing or were in confinement; and the subjection of the Upper Sioux (the Sisseton and Wahpatons) to all the suffering incident to a wandering, savage life.

A large number of the latter bands came in and voluntarily surrendered to General Sibley when his forces reached the region in the neighborhood of Fort Wadsworth, and most of these have steadily claimed that they had not voluntarily taken part in the outbreak, and signalized their return by bringing in a large number of white persons who had been taken captive at the time of the outbreak, and whom they had recovered and protected. A few, belonging, as understood, to both the Upper and Lower bands, who had been positively faithful throughout, and had rendered greater or less service to the whites, have returned to and remained upon different portions of the old reservation, there being nearly one hundred not far from Faribault and Mendota, Minnesota.

The action taken by Congress in regard to these Indians has been as follows: By act of February 16, 1863, (p. 652, vol. 12, Stat. at Large,) all treaties with them were declared abrogated, all lands, annuities, and claims forfeited, \$100,000 of the annuities appropriated to payment of losses by the massacre, a commission provided for to ascertain and report upon claims for losses, and authority given to the Interior Department to set apart eighty acres of land to each Indian as had exerted themselves to save captive whites.

By the act of March 3, 1863, (p. 819, vol. 12, Stat. at Large,) it was provided that a tract of good agricultural land should be set apart, outside of the limits of any State, sufficient for eighty acres to each member of the four bands who were willing to adopt the pursuits of agriculture; that their former reservation should be surveyed and sold, and the proceeds invested by the Interior Department for the benefit of the Indians; and that Indians who had exerted themselves to save the lives of whites should each have eighty acres of land on which the improvements were situated.

By the act of May 28, 1864, (p. 92, pamphlet ed. Stat. at Large,) there was appropriated the sum of \$1,170,374 to pay claims reported by the commission above referred to, making in all \$1,380,374 appropriated for payment of losses by the outbreak.

By the act of March 3, 1865, (p. 427, pamphlet ed. Stat. at Large,) the sum of \$500 was appropriated for the special benefit of a few of the friendly Sioux who had aided the whites.

It will be seen that there are four classes of these Sioux now claiming the attention of the department, to wit:

- 1st. Those who were removed to Crow Creek reservation, in Dakota.
- 2d. Those who were, till recently, prisoners at Davenport.
- 3d. Those friendly Sioux who have been for some time seeking a precarious subsistence in the vicinity of their old homes in Minnesota.
- 4th. The Sissetons and Wahpatons who surrendered to General Sibley, and are now living near Fort Wadsworth, in eastern Dakota.

1st. *The Crow Creek Indians.*—Congress has made an annual appropriation of \$100,000 for the subsistence and clothing of these Indians, and efforts have been made to raise crops for their subsistence, but thus far without success; and the expense of transportation of the supplies sent to them is enormous. The result of a full consideration of the report of the treaty commission of last fall, the recommendations by Hon. Mr. Hubbard, of the congressional committee, and Special Agent H. W. Reed, has been that these Indians should be removed to some place further down the Missouri river, where they can be reasonably expected to raise crops, and where the males of their families, long confined at Davenport, could join them, and aid in procuring their subsistence.

2d. *The Davenport Captives.*—These Indians have been discharged, and turned over by the military authorities to an agent of this department, and are now on their way, to the number of about one hundred and fifty, to the new reservation, of four townships, situated at the mouth of the Niobrara river, near the Poncas and Yankton Sioux.

It is expected that these Indians will arrive at Niobrara between the 10th and 15th of May, and such arrangements have been made as will probably enable them at once to set about preparations for making a crop this year. It was also intended to get the Crow Creek Indians down to the same reservation in ample time to plant; but, from the fact that the steamer furnished by the War Department is, it is understood, to go up to Fort Rice with a cargo of supplies before bringing, on her downward trip, the Indians from Crow Creek, it is feared that the month of July may be advanced before those Indians reach the reservation. Such directions have, however, been given as will, it is believed, put sufficient ground under cultivation to enable them, by proper care, to raise a good supply of corn and potatoes for their consumption.

Your attention is invited to the estimates in Superintendent Taylor's letter of the 2d instant, a copy of which is herewith marked A, as to the amount of funds necessary for carrying into effect the measures adopted relative to the two classes of Indians thus far referred to. That estimate amounts to \$122,766, and covers the expense of getting the Indians down from Crow creek by the method then intended to be taken; the purchase of certain lands and improvements of settlers on the Niobrara reservation; the erection of a store-house and six buildings for the shelter of aged and infirm persons; the removal and subsistence on the way of the Davenport prisoners, (then expected to be done by land,) and the subsistence of the whole number (about 1,200 persons) upon the new reservation for twelve months. Superintendent Taylor estimates that an additional sum, sufficient to make the whole amount \$150,000, should be added to cover the cost of implements, horses, wagons, &c. He thinks that upon this first outlay the Indians will, after the first year, be able to subsist themselves to a great extent. As, however, the removal of the Indians is made by steamer, furnished by the War Department, the elements of the estimate are much changed. I will recur to the matter of estimates hereafter.

Referring again to the several classes of Sioux above noticed, I proceed to the

3d class. *The friendly Sioux remaining in Minnesota.*—In regard to those Indians it is noticeable that Congress has by several enactments, made attempts to provide for them by donations of lands and money; but it has been found impracticable to accomplish anything under those acts, on account of the hostility manifested by the white people of that region towards everything in the form of an Indian. Many of these men have, for the past three years, been homeless wanderers, and actually suffering from want; a very poor return for services rendered to the whites at the risk of their lives. Action was taken by the department, about one year ago, to select for them eighty acres of land each upon the old reservation, but the feeling among the whites is such as to make it impossible for them to live there in safety.

Under date of April 6th instant, Right Reverend Bishop Whipple, of Minnesota, who has taken a deep interest in these friendly Indians, forwarded a letter, (copy herewith, marked B,) from Reverend Mr. Hinman, a faithful missionary belonging among them, recommending that measures be taken to gather these Indians, and remove them immediately to the new reservation of their people on the Niobrara, in order that they may have lands assigned them, and earn, as they are willing to do, their living by their own labor. Mr. Hinman estimates the whole number to be so removed at 250. I heartily approve of the recommendation, and, with your approval, will take measures to carry it into effect. The Government, as it has acknowledged by several enactments, owes these people a debt of gratitude, and has not discharged that debt, but has deprived them of their share of the property and income of their people, by the act of 1863. abrogating all treaties, &c. It is difficult to make any reliable estimate of the amount necessary to remove them and settle them at Niobrara, but the sum named hereafter will, I think, be sufficient, and the appropriation of \$7,500.

heretofore made for their benefit, or some portion thereof, could possibly be used for the purpose now indicated, and the selections of land made for them last year could be sold, and the proceeds applied for their use. If they can be removed to Niobrara in time to raise a crop this year, their subsistence need only be provided for till next fall, and therefore prompt action is deemed advisable.

A letter of General Sibley (copy herewith, marked C) refers to certain persons belonging to this class, who, he thinks, on account of their having acted a prominent part on the side of the whites, would not be able to live at Niobrara. Although there is some foundation for the apprehensions of General Sibley, yet, from the information in possession of this office as to the docile disposition exhibited by both the Davenport and Crow Creek Indians, this office is of the opinion that the friendly Sioux will have no difficulty in living with their people.

Connected with this class, there comes a claim by Mr. A. Faribault, of Minnesota, indorsed by Hon. Mr. Ramsey, United States senator from that State, for \$3,871 77, for money, &c, expended by him in subsisting a portion of these Indians for about three years. The claim and papers substantiating it are herewith submitted, by copies marked D. I recommend that measures be taken to examine the claim of Mr. Faribault, and to pay what shall be found justly his due.

4th class. *Sissetons, &c., near Fort Wadsworth.*—Some action has already been taken in regard to this class, by providing for their being represented by their headmen at Fort Rice, on the Missouri, at the expected conference with the treaty commissioners. It is probable that a treaty will be made with them at that time. From representations made verbally to your department and to this office by General Sibley, to whom these people surrendered, it is supposed that these Indians will ask a reservation near Fort Wadsworth, in the country not heretofore ceded by them; while there is reason to suppose that the military authorities, and many of the people of Minnesota, would prefer their being located much further north, and in the vicinity of Devil's lake. As giving much valuable information in regard to the feelings and wishes of these Indians, and aiding in the formation of a just judgment as to the proper disposition of these bands, I herewith transmit copies of two papers, marked E and F, being a petition from their chiefs, dated December, 1864, and a letter from Rev. Mr. Riggs, formerly missionary among them. If, as the information at hand appears to justify, we are to trust in the friendly disposition of these people, their location near Fort Wadsworth would be a wise measure, and a protection to the frontier elements, and I recommend that proper instructions be sent to the treaty commissioners in regard to the point to be fixed upon for their residence.

But there are six to eight hundred people of these bands, at and near Fort Wadsworth, in great want, while they are able to earn their living, and willing to do so if they can be furnished with implements and seeds, and measures could be taken to provide them with these necessities in time for the spring plowing. They will till the ground, for this season, at all events, to such extent as possible, near Fort Wadsworth, and I trust that some means will be provided for enabling them to do this to advantage.

FORMER PROPERTY AND INCOME OF THESE BANDS.

At the time of the outbreak, in 1862, the four bands of Sioux herein referred to were entitled to an annuity of \$15,000 from the sum of \$300,000 invested for their benefit, and to a sum total payment for lands ceded by them, amounting to \$4,861,800. This sum was so graduated in annual payments that the amount due to the Indians, annually, was \$135,060; or, including the \$15,000 above mentioned, their annuities amounted to \$150,060. This sum was forfeited

by the act of February 26, 1863, by all, indiscriminately, friendly and hostile, and only the families of those who were executed or imprisoned have been provided for by government, and this, as we have seen, at an annual expense of \$100,000, at Crow creek; while the sum of \$1,380,374 has been paid for by the outbreak by a part of this people.

I beg leave to suggest, in view of the whole subject, whether the time will not come for such a disposition of funds long ago set apart by treaty with the Indians as will result to their advantage, and the best interest of the country. The sum of \$50,000 which has been for each of the last three years withheld from these tribes, if now placed in the hands of your department would enable it to locate the first three classes comfortably upon the new reservation, and to aid the Sissetons at Fort Wadsworth to a reasonable extent while it is believed that, after the expenditure of such portion of the \$100,000 as should be found necessary in putting these bands in a condition to raise their own crops in peace, a sum much less than the annual interest upon the principal capital of the Sioux funds will be sufficient for their use for years to come, and that they will soon become self-supporting. Or, to make this suggestion more clear, the whole amount to which these bands were entitled was—

In 1862.....	\$5, 100
Deduct appropriated claims for losses.....	1, 300
	<hr/>
	3, 700
	<hr/>

The interest upon which, at 5 per cent., would be \$189,071.

Estimates from Superintendent Taylor's letter of April 2.

For removal of Indians from Crow creek to Niobrara	
For purchase of land and improvements.....	\$72,000
For subsistence for sixty days at Niobrara.....	
For storehouse and buildings.....	
For removal of Davenport prisoners.....	
For subsistence for twelve months on reservation.....	
(As the removal of the Indians is made by government steamer, no estimate is made for this expense. Rations are also provided by government for the Davenport Indians, and the ordinary issues for the Crow Creek Indians, already provided, will suffice for them. If these Indians succeed in raising a crop this year, the sum of \$72,000, called for by Superintendent Taylor, is too large.)	
Removal of friendly Sioux from Minnesota to Niobrara.....	
Subsistence for six months on reservation.....	
Assistance in implements, seeds, &c.....	
Aid to Sissetons, &c., at Fort Wadsworth.....	
Add for necessary buildings, expense of employes, &c., at Niobrara, (a portion of the buildings necessary will be included in the purchase of improvements).....	
Total.....	<hr/> 1, 380, 374 <hr/>

Subject to increase if the cost of removing the Indians to Niobrara is to be funded by this department, and to decrease if the Indians should succeed in raising a crop this year.

It will be borne in mind that the government has appropriated annually for three years, \$100,000 for the support of the Sioux at Crow creek alone. The sum of \$1,380,374 will be available for the use of these Indians the proceeds of the sale

large reservation in Minnesota, from which but a small sum has yet been realized by the General Land Office, by which office the sales are made; and that sum has been absorbed by the expenses of surveying the land.

To recapitulate briefly the recommendations of this report, this office recommends that the friendly Sioux now in Minnesota be at once removed to Niobrara, by land, with a view of raising a crop this year if possible; that instructions be sent to the treaty commission to provide for a reservation near Fort Wadsworth for the Indians in that region; that aid be promptly furnished to those who are willing to labor, and who are now near Fort Wadsworth; and that such general policy may be adopted in regard to funds for the benefit of the four bands of Sioux referred to, as will enable the department to provide for their welfare; this recommendation having a special reference to the restoration, for the benefit of the Indians, of the funds withheld by the act of Congress, deducting the amount heretofore paid for losses by the outbreaks of 1862.

In order to make this suggestion practical, I beg leave to submit herewith a draft of a bill which may serve as a basis of action by committees of Congress, (you shall see fit to submit the subject to that body,) providing for restoring, for the use and benefit of these Indians, the balance of funds held by government for them in 1863, after deducting the amount paid for losses by them. Should such a bill be enacted the sum so appropriated would, it is believed, enable the department to carry into effect all the suggestions in this report, unless there should be such delay as to prevent the raising of a crop this year. Even in that case, I think that the condition of the Indians could be greatly improved by the careful expenditure of the sum indicated; this to be in place of the appropriation for the Sioux of the Mississippi, heretofore estimated for.

Very respectfully, your obedient servant,

D. N. COOLEY,
Commissioner.

Hon. JAMES HARLAN,
Secretary of the Interior.

A bill for an act to restore to certain bands of Sioux Indians the balance of certain annuities taken from them.

Whereas by an act of Congress, approved February 11, 1863, all treaties made with certain bands of Sioux Indians were, on account of hostilities committed by said Indians, declared to be abrogated and annulled, and all lands and rights of occupancy within the State of Minnesota, and all annuities and claims heretofore accorded to said Indians, or any of them, forfeited to the United States; and whereas a large amount of money has been paid by the United States for losses by the hostilities of said Indians, which payments were properly charged against the funds theretofore belonging to said Indians; and whereas it appears that a large number of persons belonging to the said bands of Sioux Indians never participated in the hostilities referred to, and are now friendly to the United States and in need of assistance, while others have been for several years supported by the United States, and a large number in addition have recently been pardoned by the President and restored to liberty: Therefore,

Be it enacted, &c., That, for the purpose of enabling the Interior Department to provide for the welfare of such of the four bands of Sioux referred to as are now friendly to the United States, or as may become friendly hereafter, there shall be restored and invested for the benefit of the said Indians such amount as shall be ascertained to remain after deducting from the capital of the funds of the said Indians, as it existed on the 16th of February, 1863, the amount which

has been paid by the United States on account of losses of citizens by the hostilities of said Indians committed in 1862.

SEC. 2. There is hereby appropriated, for the use and benefit of said Indians, to be expended under the direction of the Secretary of the Interior, in removing and concentrating a portion of the said Indians to and upon a reservation selected for them at the mouth of the Niobrara river, and providing for them there, and in providing for others at some point in Dakota Territory, such amount as shall be equal to five per cent. upon the balance of funds found remaining, as in the preceding section provided for.

(Or the sum of \$189,071, being five per cent., &c.)

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LETTER
OF
THE SECRETARY OF WAR,
COMMUNICATING,

in compliance with a resolution of the Senate of the 5th instant, information as to an order of Lieutenant General Sherman relative to the protection of trains on the overland route.

FEBRUARY 9, 1867.—Read, referred to the Committee on Indian Affairs, and ordered to be printed.

WAR DEPARTMENT,
Washington City, February 8, 1867.

SIR: In reply to the Senate's resolution of February 5, directing the Secretary of War to inform the Senate whether any order has been issued by Lieutenant General Sherman relative to the protection of trains on the overland route, so called, I have the honor to send herewith a report of the 7th instant on the subject by General Grant.

Very respectfully, sir, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. L. F. S. FOSTER,
President of the Senate.

HEADQUARTERS ARMIES OF THE UNITED STATES,
Washington, February 7, 1867.

SIR: I have the honor to return herewith Senate resolution of February 5th, instant, asking "whether any order has been issued by Lieutenant General Sherman in regard to the protection of trains on the overland route, so called, if so, what," referred to me for report.

In reply I would respectfully state that no order of the character mentioned has been received at these headquarters. A copy of the resolution has been forwarded to Lieutenant General Sherman for report.

Very respectfully, your obedient servant,

U. S. GRANT, *General.*

Hon. E. M. STANTON,
Secretary of War.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

*Compliance with a resolution of the Senate of the 7th instant, calling for
correspondence in relation to the reported transfer of the United States min-
ister from Stockholm to Bogota.*

FEBRUARY 12, 1867.—Read, referred to the Committee on Foreign Relations, and ordered to
be printed.

to the Senate of the United States:

transmit herewith, in answer to the Senate's resolution of the 7th instant,
sent from the Secretary of State, with an accompanying document.

ANDREW JOHNSON..

WASHINGTON, *February 9, 1867.*

DEPARTMENT OF STATE,

Washington, February 7, 1867.

The Secretary of State, to whom was referred the resolution of the Senate of
the 7th instant, requesting the President to communicate to that body, "if in
his opinion not incompatible with the public interest, a copy of any recent cor-
respondence between the Department of State and the minister of the United
States at Stockholm, in relation to the reported transfer of this minister from
Stockholm to Bogota," has the honor to lay before the President a transcript of
the only communication on file in this department upon the subject referred to.

WILLIAM H. SEWARD.

to the PRESIDENT.

DEPARTMENT OF STATE,

Washington, January 7, 1867.

7.] The President having appointed Mr. John McGinnis to succeed you as
minister resident of the United States at Stockholm, I herewith transmit, accom-
panied by the usual office copy, a sealed letter addressed to his Majesty Charles
announcing your retirement from the mission. On presenting this letter at
proper time, you will take occasion to assure his Majesty of the sincere de-
sire of the President to maintain unimpaired the friendly relations so happily
existing between the two countries.

2 TRANSFER OF THE U S. MINISTER FROM STOCKHOLM

Mr. McGinnis has received his instructions, and has informed the department that he will leave for his post in the steamer Hansa, which is to sail from New York on the 12th instant, and that he hopes to reach Stockholm early in February.

I take this occasion to acknowledge the receipt of your late despatches Nos. 49, 50, and 51, which will receive proper attention.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES H. CAMPBELL, Esq., &c., &c., &c., *Stockholm.*

MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES,
COMMUNICATING.

compliance with a resolution of the Senate of the 6th of February, 1867, correspondence on the subject of grants to American citizens for railroad and telegraph lines across the territory of the republic of Mexico.

FEBRUARY 13, 1867.—Read, ordered to lie on the table, and be printed.

To the Senate of the United States:

In compliance with the resolution of the Senate of the 6th of February, 1867, requesting me to transmit copies of all correspondence not heretofore communicated on the subject of grants to American citizens for railroad and telegraph lines across the territory of the republic of Mexico, I submit herewith the report of the Secretary of State and the papers accompanying it.

ANDREW JOHNSON.

WASHINGTON, February 11, 1867.

DEPARTMENT OF STATE,
Washington, February 11, 1867.

The Secretary of State, to whom was referred the resolution of the Senate of the 6th instant, requesting the President to communicate to that body, "if not deemed incompatible with the public interests, copies of all correspondence not heretofore communicated, with reference to grants to American citizens for railroad and telegraph lines across the territory of the republic of Mexico," has the honor to transmit the papers mentioned in the annexed list.

Respectfully submitted.

WILLIAM H. SEWARD.

The PRESIDENT.

List of papers.

1. Mr. Knap to Mr. Seward Feb. 2, 1867.
2. Decree of President Juarez Oct. 25, 1860.
3. Mr. De la Reintrie to President Juarez Oct. 18, 1865.
4. The same to Mr. Emile La Sère Mar. 26, 1866.
5. Decree of congress of Mexico Dec. 14, 1862.
6. Decree of Maximilian Oct. 12, 1866.

No. 7. Mr. Knap to Mr. De la Reintrie.....	May 15, 1866.
No. 8. Mr. De la Reintrie to President Juarez	May 16, 1866.
No. 9. President Juarez to Mr. De la Reintrie.	June 22, 1866.
No. 10. Charter of the Tehuantepec Transit Company.....	Oct. 15, 1866.
No. 11. Mr. Knap to Mr. Cushing	Nov. 28, 1866.
No. 12. Mr. Cushing to Mr. Knap	Nov. 30, 1866.
No. 13. Mr. Cushing's second opinion.....	Dec. 27, 1866.
No. 14. Opinion of Hon. Reverdy Johnson.	Dec. 28, 1866.
No. 15. Supplement to Mr. Cushing's opinions	Jan. 17, 1867.

No. 1.

Mr. Knap to Mr. Seward.

OFFICE OF THE TEHUANTEPEC TRANSIT COMPANY,
No. 274 F street, Washington, February 2, 1867.

SIR: Sundry publications having appeared in public journals with the view of impugning the legality of the concession made on the 15th day of October, 1866, by President Juarez, to the "Tehuantepec Transit Company," for the construction of a railroad and telegraph across the Isthmus of Tehuantepec, a copy of which was communicated to you on the 8th day of December last, and intimations having come to the knowledge of said company that representations having been made to you, and likewise circulated in other quarters, reflecting upon the proceedings of this company and its officers in obtaining the grant in question, I deem it proper to communicate, in addition to the *charter* itself, copies of the following papers, from which it will clearly appear that all the proper and necessary steps were adopted by the company I have the honor to represent for obtaining in a lawful and honorable manner the grant and franchises now made the subject of a controversy unnecessary in itself, and certainly not invited by the "Tehuantepec Transit Company:"

No. 1. Decree of President Juarez.....	Oct. 25, 1860.
No. 2. Mr. La Sère to President Juarez.....	Oct. 18, 1865.
No. 3. Reply of President Juarez.....	Mar. 26, 1866.
No. 4. Decree of Mexican congress....	Dec. 13, 1862.
No. 5. Decree of Maximilian.....	Oct. 12, 1866.
No. 6. Mr. Knap to Mr. La Reintrie.....	May 15, 1866.
No. 7. Mr. La Reintrie to President Juarez.....	May 16, 1866.
No. 8. Reply of President Juarez.....	June 22, 1866.
No. 9. Charter of "Tehuantepec Transit Company".....	Oct. 15, 1866.
No. 10. Opinion of Mr. Cushing.....	Nov. 30, 1866.
No. 11. Opinion of Mr. Cushing.....	Dec. 27, 1866.
No. 12. Opinion of Mr. Johnson.....	Dec. 28, 1866.
No. 13. Supplement to Mr. Cushing's opinions.....	Jan. 17, 1867.

A careful review of the foregoing documents will clearly demonstrate to any unprejudiced and disinterested party that the privilege, extended October 25, 1860, to the Louisiana Tehuantepec Company, had lapsed before any formal application (July 17, 1866) had been made to the lawful President of the united Mexican states by the "Tehuantepec Transit Company," and that the "Louisiana Tehuantepec Company" has, of its own volition, outlawed itself by applying for and accepting the extension made to it by the usurper Maximilian, dated October 12, 1866.

Some time prior to the issue of the concession to the "Tehuantepec Transit Company" it became known to the government of President Juarez, then at Chihuahua, by means of publications in the journals of the city of Mexico, and otherwise, that there was an agent of the Louisiana "Tehuantepec Company"

in that city, Mr. J. P. O. Sullivan, soliciting from Maximilian an act in favor of the latter company. The above-mentioned decree of October 12, 1866, appears to be the result of the applications of that agent to Maximilian.

I particularly invite your attention to the reply of President Juárez to Mr. La Sère, of March 26, 1866, (doc. No. 3,) and to the supplemental opinion of Mr. Cushing, the counsel of this company, of January 17, 1867, (doc. No. 13,) which in my opinion finally and conclusively dispose of the question.

All of which is most respectfully submitted.

I am, sir, your very obedient servant,

CHARLES KNAP,

President of the Tehuantepec Transit Company.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

No. 2.

Decree of President Juárez.

DECREE OF OCTOBER 25, 1866.

OFFICE OF THE SECRETARY OF STATE AND OF THE DEPARTMENT OF FOMENTO,
COLONIZATION, INDUSTRY, AND COMMERCE.

His excellency the constitutional president *ad interim* of the republic has been pleased to address to me the following decree:

The Citizen Benito Juárez, the constitutional president *ad interim* of the United Mexican States, to all its inhabitants:

Know ye, that in the exercise of the powers with which I am invested, I have deemed it proper to decree the following:

ARTICLE 1. The time conceded by article 1st of the decree of the 28th of March, 1859, to the Louisiana Tehuantepec Company is extended, so that it may commence to construct the railroad on the 1st day of April, 1862, with the obligation of finishing it in seven years, counted from the same day.

ART. 2. The time during which the labors of the construction of the said railroad may be suspended shall not be counted in the said extension of seven years, and this extension may be amplified if the suspension should depend upon civil war or other causes of major force, legally proven.

Therefore, I order that this be printed, circulated, and that the due compliance be given to it.

Given at the palace of the national government, at the heroic city of Vera Cruz, on the twenty-fifth day of October, one thousand eight hundred and sixty.

BENITO JUÁREZ.

The Citizen JOSÉ DE EMPÁRAN,

Minister of Fomento.

And I communicate it to you for your information, and the consequent ends.
God and liberty! Heroic Vera Cruz, October 25, 1860.

EMPÁRAN.

A correct translation.

H. R. DE LA REINTRIE.

No. 3.

Mr. De la Reintrie to President Juarez.

[Translation.]

HAVANA, *October* 18, 1865.

MY ESTEEMED AND DISTINGUISHED FRIEND: This letter is addressed to your excellency to inform you that I came to this city and am at your orders from the very moment that misfortune and adversity seized upon my country, but I have not on that account ceased to take the greatest interest in the Tehuantepec project, which I have the pleasure to inform your excellency will not be long in being carried to a good result. As I believe, from what they write to me, that the works will begin very soon, I will thank your excellency to be pleased to order that there be sent to me, through M. L. E. Hargous, of New York, an order to the authorities on the Isthmus of Tehuantepec to protect the persons who may present themselves for that purpose in the name of the Louisiana Tehuantepec Company, and agreeably to the decrees of the government upon that subject.

I request your excellency to be pleased to order that this order be sent to me in duplicate, and with the least possible delay. As your excellency must suppose, the Tehuantepec project has not been carried into effect before in view of the occurrences in Mexico.

I have seen by the papers the hardships which your excellency has been obliged to undergo, but from what I see and from what intelligent persons tell me I believe that in the end your cause will triumph. May God so will it. Your excellency will be pleased to excuse the trouble which I give you in the midst of the many toils which surround you, and command whatever your excellency may desire from your affectionate friend,

EMILE LA SÈRE.

His excellency BENITO JUAREZ,

President of the Mexican Republic, Paso del Norte.

Copy made from the original in Spanish, at Chihuahua, in July, 1866, by permission of President Juarez.

H. R. DE LA REIN'TRIE.

No. 4.

Mr. De la Reintrie to Mr. La Sère.

[Translation.]

CITY OF EL PASO, *March* 26, 1866.

MY MUCH ESTEEMED FRIEND: I am informed by your letter of the 18th of October, which I received during the present month, that in consequence of the upheavings which your country has suffered you are now in Havana. I most earnestly desire that peace may soon be re-established in the United States, in order that you may return to your home to apply yourself with more tranquillity to your affairs.

I regret much that I cannot send you the orders which you ask of me, because, as the time fixed in the law for commencing the works has elapsed, the minister who should issue the orders requires to have before him a petition from you, and besides, he requires to see the antecedents of the business, so that in view of what you may represent, and the measures which subsequently may have been adopted since the period of the law has elapsed, that may be determined which in justice may be proper.

Unfortunately we have not the archives, which, for their security and owing the circumstances of the war, are now at a point distant from this place; but will not be long before they shall be at the point where the government is established; so that if you will send your petition probably by that time all the precedents may be had for consideration. I have said the same thing to Don natio Mejia, who has spoken to me respecting this business.

I shall be happy to know that you continue in the enjoyment of good health, and you may command in whatever you please.

Your affectionate friend,

BENITO JUAREZ.

Mr. EMILE LA SÈRE, *Havana*.

Copy made from the original draft in Spanish, at Chihuahua, July, 1866, by permission of President Juarez.

H. R. DE LA REINTRIE.

No. 5.

Decree of Congress of Mexico.

From the message of the President of the United States, Thirty-ninth Congress, first session, House of Representatives, Executive Document No. 73, part 2, page 243.—Translation.]

DEPARTMENT OF GOVERNMENT,

Mexico, December 14, 1862.

The citizen President of the republic has been pleased to direct to me the following decree :

Benito Juarez, constitutional President of the United Mexican States, to the habitants of the same :

Be it known that the Congress of the Union has thought proper to decree the following :

ARTICLE 1. The acts of the so-called authorities, imposed by the invaders and traitors, or which they may hereafter establish in the republic, are null and void, and can never be in any way approved.

ART. 2. All contracts celebrated by the said so-called authorities, or that may hereafter be celebrated, are also null and void ; and all who take part in the same will incur civil responsibility, in addition to the criminal responsibility already prescribed by the laws now in force, and such contracts can never be regarded in any manner, or taken into consideration, by the supreme government of the public.

ART. 3. The traitors cannot be considered under any aspect in the treaties which the government may celebrate with France.

Dated in the hall of sessions of the Congress of the Union, in Mexico, the 14th of December, 1862.

PONCIANO ARRIAGA,

Vice President.

FELIX ROMERO,

Deputy Secretary.

FRANCISCO BUSTAMANTE,

Deputy Secretary.

Wherefore, I order that it be printed, published, circulated, and duly observed.

BENITO JUAREZ.

NATIONAL PALACE OF MEXICO,
December 13, 1862.

I communicate the same to you for your intelligence, and to the consequent ends.

Liberty and reform !

FUENTA.

The citizen JUAN ANTONIO DE LA FUENTE,
Minister of foreign relations and of government.

The citizen GOVERNOR of the federal district.

No. 6.

Decree of Maximilian.

[Translation.—From the Diario del Imperio.]

Maximilian, Emperor of Mexico—having heard our council of ministers, we decree :

Permission is given to the Louisiana Tehuantepec Company, privileged for the opening of an interoceanic communication by the isthmus of this name, by decree of September 7, 1857, and conformably with article 23 of the same decree, that it may transfer the residence of its directorship from New Orleans to New York, and change its name to that of the “New York and Tehautepec Railroad and Steamship Company.”

Given at Mexico, on the 12th of October, A. D. 1866.

MAXIMILIAN.

The MINISTER OF FOMENTO.

By the Emperor :

JOAQUIN DE MIER Y. TERAN,
Minister of Fomento.

No. 7.

Mr. Knap to Mr. De la Reintrie.

[Translation.]

WASHINGTON, May 15, 1866.

DEAR SIR : On behalf of the “Tehuantepec Transit Company,” I authorize you to proceed as its agent to the temporary capital of the republic of Mexico, and solicit of President Juarez a decree conferring on said company the right to construct and operate a line of railroad and telegraph across the isthmus of Tehuantepec. A draft, presenting such terms as will be acceptable to the company, is herewith enclosed, which you will present to the supreme government of the republic for consideration, when you make formal application for the grant.

Our company has been formed, after information obtained on inquiry from Señor Romero, the minister of the Mexican republic here, to the effect that his government is desirous to enlist American enterprise and capital in the construction of a railroad across the isthmus, and that the privileges heretofore granted for its construction to the Louisiana Tehuantepec Company have long since lapsed. It is composed of men of influence, friendly to the cause of the liberal party in Mexico, the services of some of whom in behalf of that cause are already

known to President Juarez, and we hope, therefore, our application will receive his favorable consideration. You may assure him that if an equitable concession be given our company, we have every reason to believe that the necessary capital can be obtained in this country to construct and equip the road, in much less time even than the brief term named in the draft submitted by us.

I am, sir, your obedient servant,

CHARLES KNAP.

HENRY R. DE LA REINTRIE, Esq.

No. 8.

Mr. De La Reintrie to President Juarez.

[Translation.]

WASHINGTON, *May* 16, 1866.

MY DEAR AND ESTEEMED SIR: At the request of a number of gentlemen, friends of mine, who possess to a great degree positive influence here, and others among them the means necessary to undertake and carry out the enterprise of opening a railroad route from the Atlantic to the Pacific, across the isthmus of Tehuantepec, I propose, within a brief period, to proceed hence to the residence of the supreme government of the republic, which your excellency so worthily represents, for the purpose of asking that there be granted to myself and associates the privileges necessary for undertaking that work.

* * * * *

The proposals which I shall have the honor to make to the government of the republic, at a later period, I am sure will be carried out by the present company, whose agent I have been appointed, and I hope thus to be enabled in some measure to aid the noble cause which loyal Mexicans are defending. Until my arrival at the seat of the government, I request you will not concede said privileges to other persons who, perchance, may present themselves with the same view.

* * * * *

I remain your very obedient servant,

H. R. DE LA REINTRIE.

His Excellency BENITO JUAREZ,
President of the Mexican Republic.

A correct translation :

H. R. DE LA REINTRIE.

No. 9.

President Juarez to Mr. De la Reintrie.

[Translation.]

CHIHUAHUA, *June* 22, 1866.

MY ESTEEMED SIR: I reply to your estimable letter of the 16th of May.

* * * * *

It seems to me that you would do well to send in your petition and proposals respecting the opening of the communication, by the isthmus of Tehuantepec, between the Atlantic and Pacific oceans, so that everything may be taken in view when deciding upon another petition which Mr. La Sère, who was the former director of the said route, is to send.

Some months ago the said Mr. La Sère wrote to me, asking me to issue the respective orders to the effect that the authorities on the isthmus should not place any obstacle in his way in the execution of the works which the company was about to commence conformably to the concession made in the year 1860. I replied to Mr. La Sère, saying to him that, on account of not having the archives at El Paso, the antecedents in this business could not be examined, for which reason I could not give the orders which said gentleman desired; that he should make a petition in due form, setting forth the reasons which he might have in his favor, so that, in view of the same and of the antecedents which must exist in the archives of the ministry, that may be determined upon which should be just and proper.

As yet the petition of Mr. La Sère does not come to hand; and even though it should arrive, it will not be possible to take it into consideration until the government shall arrive at the place where the archives are deposited; and there is time for you to send in your proposals, so that everything may be had in view when the petition of Mr. La Sère is determined upon.

I desire that you may enjoy good health, and repeat myself your very obedient servant,

BENITO JUAREZ.

Mr. H. R. DE LA REINTRIE,
Washington.

A correct translation.

H. R. DE LA REINTRIE.

No. 10.

CHARTER OF THE TEHUANTEPEC TRANSIT COMPANY.

CITY OF CHIHUAHUA, *July 17, 1866.*

SIR: I have the honor, as the agent and an associate of a company recently formed in the United States of America, styled the Tehuantepec Transit Company, to solicit from the supreme constitutional government of the United Mexican States a grant and the franchises necessary for the opening, construction, and operation of a transit-route railway, and also of a telegraphic line of communication from the Gulf of Mexico to the port of La Ventosa, on the Pacific across the isthmus of Tehuantepec.

My authority for so doing I herewith enclose, being an ample power of attorney, duly authenticated, from my associates, to act in the premises, dated May 18, 1866.

In this same connection, I also have the honor to submit, for the consideration and approbation of your excellency's government, the draft of a contract embodying the terms and conditions for carrying into effect the enterprises contemplated by the Tehuantepec Transit Company, which has been duly considered and adopted by my associates, and which draft, I would further state, has been laid before Mr. Romero, the minister of the Mexican republic at Washington, and has received his commendation so far as he was entitled, consistently with his position, to sanction the same.

Your excellency is fully aware of the importance which attaches to the early consummation of this great commercial enterprise, not only to the world at large but to the best interests of our two republics; one which, when fully weighed and considered, under the present situation of the Mexican republic, embodies in itself, politically, deep significance to its future existence and welfare as an independent and free state.

antecedents are well known to your excellency. Your government has known me as a decided friend of your republic, and a no less firm advocate of republican institutions throughout the American continent. I come with the determination to act *now*, as I have *hitherto* done, with entire good faith towards the Mexican republic, and trust that every facility consistent with justice and equity will be vouchsafed to me by its lawful government in the prosecution and consummation of my mission; and, being desirous of soon returning to my country with renewed evidences of the amity and known good will of the Mexican republic towards the United States and its people, I have the honor to request that your excellency will be pleased to direct the prompt consideration of the solicitation I now most respectfully present to the constitutional government of the republic.

In conclusion, permit me to say that I am prepared to confer, respecting the action proposed in this my formal petition, with any person or persons whom it may be your excellency's good pleasure to appoint to that end. I remain, with the highest respect and consideration, your excellency's most obedient servant,

HENRY R. DE LA REINTRIE,
Agent Tehuantepec Transit Company.

to the Citizen DON' BENITO JUAREZ,
President of the United Mexican States, Chihuahua.

[Translation.]

MINISTRY OF JUSTICE, FOMENTO, AND PUBLIC INSTRUCTION, SEC. 2.

CHIHUAHUA, *October 15, 1866.*

With your note of the 17th of July last was received the petition which you presented as agent and associate of a company recently formed in the United States of America, for the construction of a railroad and telegraphic line on the route of Tehuantepec.

Having taken the subject into consideration, the modifications and alterations which were deemed convenient have been made in the bases proposed by you; and having signified your assent thereto, proceedings were taken immediately to enact and publish the appropriate law.

By the permission of the citizen President I communicate the same to you, requesting you to be pleased to signify in reply that, as representative of the Tehuantepec Transit Company, you accept the terms in which the said law is enacted.

Independence, liberty, and reform!

SEAL.]

Y GLESIAS.

HENRY R. DE LA REINTRIE, Esq., *Present.*

MINISTRY OF JUSTICE, FOMENTO, AND PUBLIC INSTRUCTION, SEC. 2.

The citizen President of the republic has been pleased to transmit to me the decree which follows:

To Don Benito Juarez, constitutional President of the United Mexican States, to their assistants: Know ye, that in use of the ample faculties with which I find myself invested, I have seen fit to decree the following:

ART. 1. The company formed under the name of the Tehuantepec Transit Company, having solicited that the privilege granted to the Louisiana Tehuan-

tepec Company, on the 7th of September, 1857, for the opening of interoceanic communication by the Isthmus of Tehuantepec, be declared lapsed and insubsistent; and taking into consideration the just motives and grounds alleged for making the declaration solicited, because of the Louisiana Tehuantepec Company having infringed the obligations imposed upon it by the decree of the 7th of September, 1857, and those of 28th of March, 1859, and 25th of October, 1860, in which extensions of the periods fixed for commencing and finishing the railroad in question were granted; therefore, the said privilege is declared lapsed and insubsistent, and, in virtue of such lapse and insubsistency, authority is given to the Tehuantepec Transit Company for the opening of the interoceanic communication by that isthmus, and for the establishment of a telegraphic line on the same, the concessions which are expressed in this law being made to the said company.

ART. 2. The company becomes obliged to make the communication by water, on the river Goatzacoalcos, availing itself of its navigable part so far as, by mutual agreement, it may be deemed proper; and thence by land to the port of La Ventosa, by means of a railroad of the best class; and while this is being completed, by means of a suitable carriage road, which shall be kept in a good state of service, and with the necessary bridges for the passage of carriages which may convey passengers and merchandise of small weight.

ART. 3. Before commencing the works of the railroad and of the carriage road, the approbation of the general government shall be asked and obtained, respecting the plans and designs to be formed by the engineers of the company, with previous survey of the ground—marking out in what relates to the railroad, its whole course, its breadth, and the system of construction.

ART. 4. The grantees shall give seasonable notice to the government when the survey of the ground over which the roads have to pass is to commence, so that it may appoint the commissioner or commissioners who shall represent it in the operations which may have to be performed, their compensation being paid by the company. For the demarcation of the vacant lands which are to be ceded to the company, experts, appointed by the government, shall intervene, their compensation also being paid by the company.

ART. 5. In the term of eighteen months, counted from the entry of the government of the republic into the city of Mexico, the explorations of the ground are to be made, the plans which mark the direction of the roads drawn up and presented and submitted to the approbation of the government, to which notice will be given within the first six months that these works are about to be proceeded with, in order that it may appoint its commissioner or commissioners in due season.

ART. 6. The company shall commence the construction of the railroad and telegraphic line within six months, counted from and after the year and a half spoken of in the preceding article, having to finish in each year, to the satisfaction of the government, a section of ten leagues, until the completion of the whole line.

ART. 7. The company shall commence the construction of the carriage road at the same time as that of the railroad, and shall finish it to the satisfaction of the government within two years, counting from the date fixed for commencing it.

ART. 8. Of the vacant lands which may exist, the government gives to the company the strip which may be needed for the line of the roads, and besides the one-half of the vacant lands which may be found within a lateral mile on each side of the railroad alone, for the whole extent through which it may run. Said vacant lands shall be divided, where their extension permits, into squares of one mile square each, and where they have less than two miles in their length along the road, or in the fractions of less than two miles, they shall be divided into halves, one belonging to the nation and the other to the company. The portions divided shall be numbered on each side, commencing on both with No. 1 on the north, and following in numerical order towards the south, so that the No.

of the side of the west or of the right side of the road shall remain in front of No. 1 of the side of the east, or the left side, unless, because of the road passing through places in which there should be vacant lands within the lateral zone, on one side only there should be points of intersection with lands of private property, in which case the order expressed will become interrupted, then returning again unto the end of the road the prescribed numeration, for the portions of lands on both sides.

ART. 9. The nation reserves to itself thenceforth, in full domain, on the western or right side of the road, all the portions designated by the odd numbers, 1, 3, 5, &c., and in the same manner it reserves to itself, on the eastern or left side of the road, all the portions marked with the even numbers 2, 4, 6, &c., ceding to the grantees for the period of sixty years the usufruct of the portions designated by the even numbers on the western or right side of the road, and of the portions marked with the odd numbers on the eastern or left side. If, in case of intersection stated in the preceding article, there should be more portions of vacant lands on the one side of the road than on the other, whatever of excess there may be on either of the two sides shall be divided into halves between the nation and the grantees, in such manner as they may observe precisely from mile to mile the two alternatives of side and not between the national portions and those of the enterprise.

ART. 10. The government grants to the company the necessary land—should there be such—for the wharves, dykes, and other indispensable works for the use of the way of communication at the ports of Goatzacoalcos and of La Ventosa, the company engaging to construct the said wharves and dykes at its own expense, to the satisfaction of the government, in the two years following the date of the completion of the railroad, and thereafter immediately to construct the works necessary for facilitating the discharge of vessels and avoiding damage to merchandise.

ART. 11. If the lands of the public domain granted to the company should not be sufficient for these purposes they may be supplied from those of private individuals, the company indemnifying the owners according to the laws.

ART. 12. The company may take gratuitously from the lands which are of the public domain, for the time they are such, and without this implying as respects the government any obligation not to alienate them in whole or in part, the materials necessary for the construction of the roads and of the telegraph, and of their appurtenances, and for their conservation. If the materials should be found on the lands of private individuals, the company may also use them, indemnifying the owners according to the laws.

ART. 13. During the time necessary for the construction of the railroad, the company may import into the isthmus, free of duties, the materials, engines, iron work, coal, carriages, and tools necessary for the construction of the road and of its appurtenances, as well as such objects of prime necessity as may not be found on the isthmus for the maintenance and clothing which the laborers employed on the works may require. Subsequently to the term of the construction of the road, it shall have the right to import, free of duties, only the engines, material, cars, and rails which it may require—this exemption lasting for the space of sixty years, and the company making use of it, as also of the foregoing one, according to regulations issued by the ministry of the treasury.

ART. 14. The company shall be under obligation to construct and maintain lighthouses, of the first class, where it may be most convenient, at both ends of the way, the same to be completed within three years after the termination of the railroad.

ART. 15. It shall also be under obligation to deepen the bar of Goatzacoalcos and the channel of the river, in the places where it may be possible and convenient, according to the plans which shall be approved by the ministry of fomento.

ART. 16. The company shall deposit in the hands of the minister plenipo-

tentiary of Mexico at Washington, within ninety days, counted from and after the date of this law, and as a security of the obligations imposed on the same company, the sum of one hundred thousand dollars (\$100,000) in gold, the delivery of this money being a condition indispensable for the existence and validity of the concessions made in the present decree. The company shall incur the penalty of losing the said one hundred thousand dollars (\$100,000) in case it does not comply within the designated periods with the obligations to present the plans, and to commence and finish the roads and the telegraphic line. If it comply with these obligations the one hundred thousand dollars (\$100,000) shall be paid to it out of the half of the first net proceeds accruing to the government.

ART. 17. The company shall have power to levy tolls, dues of transit, of wharfage, of storage, and any others whatever, for freight of goods, conveyance of passengers, and transmission of telegrams; but the tariff fixed by the company for the conjoint sum of all these dues, excepting only that of storage, shall not exceed fifty (50) cents per league for each passenger, three (3) cents per league for each arroba of goods, one (1) per cent. of the value of precious metals and jewels; this apportionment being understood for the whole transit of the road by land and by water, and of ten (10) cents for each word of the telegram.

ART. 18. The government shall not exact, during the sixty years of the concession, any impost or contribution whatever, whether on the goods which shall pass by the isthmus in transit only, or on the passengers, or on the telegrams, or in fine on the capitals invested in the roads and telegraphic line, and in the entire undertaking. Goods consumed at points on the isthmus, or which may be exported therefrom, shall not enjoy this exemption.

ART. 19. In respect to the line of transit established between the ports of Goatzacoalcos and La Ventosa, in part by water and in part by railroad, the government binds itself not to grant to another company, during the sixty years mentioned, the concessions specified in this law; it being understood as to the collections of imposts that for no other company will there be dispensation or reduction of the payment of such duties as are made payable in conformity with the tariffs in force in the maritime custom-houses.

ART. 20. The government shall protect the prosecution, conservation, and security of the works, with all the force which it may deem suitable for a work of great and notorious public utility.

ART. 21. The government shall keep open and legalized for foreign commerce, during the sixty years of the concession, the port of Goatzacoalcos, on the Gulf of Mexico, and that of La Ventosa, on the Pacific.

ART. 22. The power granted to the company for the transportation of goods shall be regulated by the ministry of the treasury, to prevent abuses and facilitate the prompt despatch thereof, without its being understood by said power that the company has the right to open sales of goods at any point on the isthmus.

ART. 23. The concessions made in this law shall continue from and after the termination of the construction of the railroad and telegraph, for sixty years, counted from the time of their being opened for the public use; and during all this time the government shall receive fifteen per cent. of the net incomes of the road, whenever dividends are made to the shareholders; it being understood that, so soon as there shall be any income, there shall be made at least one dividend annually. At the end of these sixty years the government shall enter into full and absolute possession and ownership of the lands given in usufruct and of the railroad, telegraph, and light-houses, with all their tools and appurtenances, in a current and perfect state of service. The trains to be delivered should be such at least as are necessary for the daily transportation of five hundred passengers and ten thousand arrobas of lading. The rails, cars, engines,

and utensils shall be in a condition at least of medium use. The vessels and steamers of the company shall not be included in the delivery.

ART. 24. Besides the fifteen (15) per cent. stipulated in the foregoing article, the company shall be under obligation to pay to the government, monthly, twelve cents for each one of the passengers or packages of merchandise which it transports by the general way.

ART. 25. The company shall be obliged to convey to any point, in the whole transit of the road, free of charges, the correspondence and printed matter which pass by it, and which the proper office may forward, receiving and delivering them with the due formalities. In the same manner it shall transport, for half the tariff, all the products and objects belonging to the government. It shall likewise convey, without any pay, the officers, troops, employés, or agents of the general government, or of the States, when travelling on public service. It shall also transmit, free of charge, by its telegraphic line, all the messages sent by functionaries or employés of the Mexican republic, or of either of the States thereof, on public business. The metals and agricultural and manufactured products of the republic shall be transported for twenty-five per cent. less than the price of the tariff, subject to regulations to be issued by the ministry of the treasury.

ART. 26. The transit, by the way of communication, shall be free for all the inhabitants of the globe; but there will be augmentation of twenty-five per cent. on the goods of nations which shall not have a treaty of neutrality with Mexico respecting the transit of the isthmus.

ART. 27. The company shall have the power to transport, by the way of communication, foreign correspondence in closed bags, which shall not be opened; and said bags shall be sealed by the administration of the mails, or of the maritime custom-houses.

ART. 28. The steamers or vessels of the company shall have the right to navigate the river Goatzacoalcos during the sixty years of the concession, doing so necessarily under the Mexican flag, and being bound to have the allotment of officers and crews which the laws require for national vessels, constituting the same of Mexicans by birth or by naturalization. For the latter case there will be given to the company the letters of naturalization which it requests.

ART. 29. The concession granted to the company in the preceding article is not to prevent other vessels and steamers from navigating the river Goatzacoalcos for commerce and any other purposes: *Provided*, That this navigation shall be regulated by the laws of the Mexican republic.

ART. 30. The company's vessels, conveying exclusively passengers, correspondence, and goods for the through transit of the way, shall be exempt from tonnage duty. If, besides, they convey goods for any point of the isthmus, they shall pay the tonnage duty as to such goods only, and not for the rest.

ART. 31. The company shall transport in its vessels, free of cost, the correspondence and printed matter which may come for any point of the republic, and those that may be sent from it to the others at which its vessels may touch, receiving and delivering the said printed matter and correspondence with the due formalities. In the same manner it shall transport, for one-half the tariff, all articles and effects the property of the government. It shall also convey, without any charge, the officers, troops, employés, and agents of the general government, or of the States, when travelling on public service. The metals or products of the agriculture or manufactures of the republic shall be transported for twenty-five per cent. less than the tariff price.

ART. 32. The company shall assume the payment of what may be legally and justly due upon the loan which Mr. Francisco P. Falconnet made to the Sloc enterprise, the government continuing free from all future responsibility respecting this loan, and without diminishing, on that account, the proportion of income which belongs to it of the products of the road.

ART. 33. The enterprise to which this law refers, is, and shall always be, exclusively Mexican; and the Tehuantepec Transit Company, although constituted in the United States, will, nevertheless, be deemed as renewed and now constituted in the Mexican republic, as though it had been formed and organized in the same conformably to the Mexican laws; but, if it should deem fit to constitute separate companies, under such rules of association as it may select, for each one or for several of the branches comprehended in the operations which it is to perform, it shall have power to constitute such companies, forming them and organizing them, either in the republic or in the United States, in conformity with the general or special laws of the place in which it may constitute them, although they are always to be considered as depending wholly of the same principal company, exclusively Mexican, and, therefore, subject to the prescriptions of this law.

ART. 34. In virtue of the provisions of the preceding article, the present company, and any other which may succeed it, as well as all foreigners, and the successors of these, who may take part in the enterprise, whether as shareholders, employés, or by any other title or character, shall be considered as Mexicans in all that may relate to the said enterprise; they shall not have the power to allege, with reference to the titles connected with the enterprise, the rights of foreigners; they shall not, even alleging a denial of justice, have other rights, nor other means of enforcing them, in all that concerns the same enterprise, than those which the laws of the republic concede to Mexicans; and they shall not make available such rights except before the Mexican tribunals.

ART. 35. The restrictions of the preceding article shall not apply to discussions or differences arising between foreign shareholders and outside of the republic, in which case they may be examined and decided as though the restrictions did not exist, but without the decisions of the foreign tribunals affecting in any manner the prescriptions of this decree, nor the Tehuantepec Transit Company, which is reputed Mexican for all the effects of this decree, nor Mexican interests.

ART. 36. The government shall name one-fourth part of the directors of the company, with the same faculties and prerogatives as the others; and shall have the right also to establish a commission on the isthmus to watch the works and labors which are undertaken.

ART. 37. The following restrictions and obligations are imposed on the company:

1. It shall construct no fortress on the isthmus.
2. It shall not organize an armed force of any kind; but the employés of the company may be armed for their personal defence.
3. It shall not give passage to any foreign armed force without the express authorization of the general government.
4. It shall not convey any effects whatever belonging to a belligerent, declared to be contraband of war by the laws of the Mexican republic, without the express authorization of the general government.
5. It shall not give passage to any armed national force, nor convey national munitions or warlike stores, without the express authorization of the general government, or of other competent authority.
6. It shall immediately discharge from its service any of its dependents engaged in or protecting smuggling, or who shall commit any offence, and shall assist the government in their prosecution.
7. It shall enforce the measures designated by the general government for the purpose of compelling all passengers to observe the revenue laws of the republic.

ART. 38. The company shall not have power to alienate or hypothecate the concessions of this law, nor the railroad, nor the telegraph, without previous consent of the general government; and in no case can it alienate or hypothecate the concessions, nor the railroad, nor the telegraph, to any foreign govern-

the alienation or hypothecation it may make being null and of no force. Shall the company admit as a partner, in any case, a foreign government any stipulation to that effect which it may make being equally null and of no force.

39. The concessions granted in the present law shall become forfeited in the following causes :

not depositing in the hands of the minister plenipotentiary of Mexico in Mexico, within ninety days, counted from the date of this law, the sum of one hundred thousand dollars mentioned in article 16th of the same. not complying with the obligations relative to the presentation of the plans of the construction of the sections and of the whole road within the period fixed for that purpose in this law.

constructing any fortress on the Isthmus of Tehuantepec.

organizing any armed force of any kind whatever.

giving passage to any foreign armed force without the express sanction of the general government.

conveying, without the express authorization of the general government, the effects of any belligerent power as are declared to be contraband of war by the laws of the Mexican republic.

giving passage to any national armed force, or by conveying national stores of war and other warlike stores, without the express authorization of the general government, or of other competent authority.

infringing any of the clauses of article 38 of this law, in which it is stipulated that the company cannot alienate nor hypothecate the concessions granted by this law, nor the railroad, nor the telegraph, without the previous sanction of the general government; and that in no case can it alienate or hypothecate the concessions, nor the railroad, nor the telegraph, to any foreign government or having power, in any case, of admitting as associate a foreign government or state.

40. In case the company should fail to comply with the other obligations and restrictions imposed upon it by this law, it shall be subject to the penalties of the fault, and to the corresponding indemnification.

41. In any of the cases specified in article 39, the company shall not lose the concessions granted in this law, of which the government may dispose at its discretion, but all the expenses incurred and works which the company may have made on the isthmus, which shall remain to the benefit of the nation.

42. All doubt or controversy on the interpretation or execution of this law shall be decided by the competent federal tribunals of the Mexican republic, in conformity with the laws of the same.

43. The obligations contracted by the enterprise, respecting the periods fixed by this law, shall be suspended in every fortuitous case, or case of superior force, which shall directly and absolutely impede the performance of such obligations, and the suspension shall continue for the time only that the impediment lasts.

44. The company shall present to the general government the notifications and proofs of the occurrence of a fortuitous case, or case of superior force, of the character mentioned, within the term of three months after the impediment commenced; and from the fact alone of not presenting such notifications and proofs within the period designated, the company will not then be able to claim at any time, the existence of the fortuitous case, or case of superior force. The company shall have likewise to present to the general government the notifications and proofs that the works have continued immediately after the cessation of the impediment, or at the most, within three months after its having ceased, the said presentation being made within the two months following the cessation of the impediment mentioned. There shall be allowed to the company only the time which the impediment may have continued, or at the most, three months

Wherefore, I order that this be printed, published, circulated, and that it receive due execution.

Given at the palace of the national government, in Chihuahua, on the 15th day of October, 1866.

BENITO JUAREZ.

Citizen JOSÉ M. YGLESIAS,

Minister of Justice, Fomento, and Public Instruction.

And I communicate it to you for your information and consequent objects. Independence, liberty, and reform. Chihuahua, October 15, 1866.

YGLESIAS.

HENRY R. DE LA REINTRIE. Esq., *Present.*

CONSULATE OF THE UNITED STATES OF AMERICA,
City of Chihuahua, State of Chihuahua, Republic of Mexico.

I hereby certify that José Maria Yglesias is the duly appointed and acting minister of the department of justice, fomento, and public instruction of the republic of Mexico, and that due faith and credit should be extended to all his official acts as minister aforesaid; that I am personally acquainted with said minister Yglesias, and that he to-day declared before me to be genuine his signature affixed to the preceding document.

In testimony whereof, I hereunto sign my name and affix the seal of this consulate on this the sixteenth day of October, in the year of our Lord eighteen hundred and sixty-six.

[CONSULAR SEAL.]

REUBEN W. CREEL,
Consul of the United States of America.

CHIHUAHUA, *October 15, 1866.*

SIR: I have the honor to acknowledge the receipt of your note of this date, transmitting an authenticated copy of the law of the 15th of October instant, which the citizen president, Don Benito Juarez, has been pleased to issue in behalf of the Tehuantepec Transit Company, and also to have published in the official journal of the constitutional government of the Mexican republic, of even date with said law.

In reply, I have the honor to inform you that, as the agent of the Tehuantepec Transit Company, I accept the grants made to said company for the construction of a railroad and telegraph across the Isthmus of Tehuantepec in the terms expressed in said law.

I am, sir, with great respect, your very obedient servant,

H. R. DE LA REINTRIE, *Agent.*

Señor DON J. M. YGLESIAS,

Minister of Fomento, &c., Chihuahua.

[Translation.]

MINISTRY OF JUSTICE, FOMENTO, AND PUBLIC INSTRUCTION.

In order that the Tehuantepec Transit Company, which you represent, may enter at once on the preliminary works of the enterprise to which the law passed this day refers, the citizen president has been pleased to permit that authority shall be given to said company for the above-mentioned object, as is done by means of this order, the presentation of which will suffice to the end that the authorities and functionaries to whom it belongs to give it effect shall

do the same immediately, imparting to the agents and employés of the company all the protection which may be necessary for the performance of their duties.

I communicate this to you for the consequent objects.

Independence, liberty, and reform! Chihuahua, October 15, 1866.

[SEAL.]

YGLESIAS.

HENRY R. DE LA REINTRIE, Esq., *Present.*

CONSULATE OF THE UNITED STATES OF AMERICA,

At the City of Chihuahua, State of Chihuahua, Republic of Mexico

I hereby certify that José Maria Yglesias is the duly appointed and acting minister of the department of justice, foment, and public instruction of the Republic of Mexico, and that due faith and credit should be extended to all his official acts as minister aforesaid; that I am personally acquainted with said minister, Yglesias, and that he to-day declared before me to be genuine his signature affixed to the preceding document.

In testimony whereof, I hereunto sign my name and affix the seal of this consulate on this the sixteenth day of October, in the year of our Lord eighteen hundred and sixty-six.

[CONSULAR SEAL.]

REUBEN W. CREEL,

Consul of the United States of America.

WASHINGTON, D. C., *November 28, 1866.*

SIR: I have the honor to report my return to this city and to inform you that, pursuant to my instructions, I have obtained from Don Benito Juarez, President of the United Mexican States, a grant, made on the 15th day of October last, to the Tehuantepec Transit Company for the construction of a railroad and telegraph line over the Isthmus of Tehuantepec. Enclosed herewith you will please find a copy of the original law on the subject, duly authenticated, and also a printed copy thereof, published at the seat of the government, Chihuahua, in the official organ of the Mexican government. Also, the order of the Mexican government for commencing the survey of the route, dated October 5, 1866.

I am, sir, very respectfully, your obedient servant,

H. R. DE LA REINTRIE,

Agent of the Tehuantepec Transit Company.

CHARLES KNAP, Esq.,

President of the Tehuantepec Transit Company, Washington.

WASHINGTON, *November 28, 1866.*

SIR: I have the honor, as president of the Tehuantepec Transit Company, to inform you that at a meeting of the said company held this day it was determined to ratify the action of their agent, Mr. H. R. De la Reintrie, and that the company hereby accept the grants made to them on the 15th day of October last by President Benito Juarez, and also, that the proper measures will be adopted to comply with the obligations enjoined upon the company in the said law.

I am, sir, very respectfully, your obedient servant,

CHARLES KNAP,

President of the Tehuantepec Transit Company.

H. R. DE LA REINTRIE, *Secretary.*

Señor MATIAS ROMERO, &c., &c., &c., *Washington, D. C.*

No. 11.

Mr. Knap to Mr. Cushing.

WASHINGTON, November 28, 1866.

SIR: I submit to your consideration, herewith, a decree of the Mexican government of the 15th October, 1866, granting to this company the franchise of a railroad and line of telegraph across the Isthmus of Tehuantepec, together with correspondence accompanying the same. I submit also, at the same time, a decree of the Mexican government of the 7th of September, 1857, conceding a similar privilege to the Louisiana Tehuantepec Company, together with other later decrees and miscellaneous documents on the same subject. And in view of these papers I request your opinion as counsel, on the following questions, namely:

First. Is the decree in favor of the Tehuantepec Transit Company a valid one, in substance and in form, to vest in the company the rights and privileges which it purports to grant in the name of the Mexican government?

Second. Is the validity of this grant impaired or injuriously affected by the prior grant to the Louisiana Tehuantepec Company?

I remain, yours respectfully,

CHARLES KNAP, *President.*

CALEB CUSHING, Esq.

No. 12.

Mr. Cushing to Mr. Knap.

WASHINGTON, November 30, 1866.

SIR: I have examined the documents submitted to me by your letter of the 28th, and have considered the questions propounded in it.

"Is the decree in favor of the Tehuantepec Transit Company a valid one, in substance and in form, to vest in the company the rights and privileges which it purports to grant in the name of the Mexican government?"

I respond to this question in general, and without qualification, affirmatively.

The decree possesses on its face all the ordinary elements and forms of law.

It appears to have been issued on due application, after long and careful reflection, by competent authority of the executive of the Mexican republic. And its matter is within the apparent scope of the constitutional powers of the president of that republic, as vindicated, not only by the letter of organic law, but by multitudinous precedents in the political or administrative history of the government.

Although proof as to amount of what is technically understood as legal consideration, is not material to the maintenance of a public grant in any wise except possibly in some cases of fraud, still it may be pertinent to observe here in justice to President Juarez and his ministers, that the present concession is beneficial in its terms to Mexico, and imports, value to the Mexican government and people, equally with any other concessions of the same character heretofore made by that government.

I am not able to conceive of anything to be said in derogation of these conclusions, unless there be suggestion of inquiry whether President Juarez, by whose authority the decree was issued, was at the time the lawful executive of the government of the Mexican republic.

To such a suggestion, there is, in my opinion, complete and conclusive answer, whether we regard the subject from a point of view in Mexico or in the United States.

Mexico, D. Benito Juarez, and he alone, is recognized as *in fact* president republic. No other person *in Mexico* offers pretensions to this office; no person there exercises powers as such; no other person is dealt with or there as such by any authority, civil or military, either of the republic, or of any one of its States.

According to the received principles of public law, these facts decisively establish the validity, as power, of any official act of President Juarez, not in conformity with the constitution of the Mexican republic.

It would avail nothing to show that President Juarez holds his office at the present time under exceptional circumstances. A similar objection might be made to the tenure of office of a great majority of the persons who have, at various periods, exercised the supreme executive power in Mexico. Yet the acts of any of such persons, when universally recognized in Mexico as such, are *in fact*, and some of them, even while competing claimants of executive power existed there, were, and are still, received as completely legal, in both domestic and foreign relations; their legislative decrees and grants constitute parts of the domestic law, registered as such in the public archives, printed in statute books, and accepted and acted on by succeeding presidents; they were officially treated with by foreign governments,

and would it avail anything to show that there exists, in the United States or elsewhere, *outside* of Mexico, some person claiming or pretending that he is president of the Mexican republic. We might as well demur to the decree or official act of the Emperor Napoleon because of the pretensions of Comte de Chambord or of the Comte de Paris. Critical thinkers in France may maintain the primary legitimacy of the Comte de Chambord, or the secondary legitimacy of the Comte de Paris; but is Napoleon any the less Emperor of the French? So in this case. Mere pretenders, whether republican or royal, are still pretenders only, and not the government.

From a point of view within the United States, the competency of President Juarez is absolutely fixed by the fact that he, and he alone, is recognized as the government of the United States.

The rule of public law is more incontestable than that, as to any questions of recognition in the United States, it is the recognition of the government of the United States which determines definitively and exclusively what person is or may be legitimate executive of any foreign government.

According to the analogy already indicated, to object to this grant of President Juarez because of any supposed presidential pretensions of some person outside Mexico, would be just as absurd as to object to a grant of any franchise to a person of the United States by the Emperor Napoleon, because of its wanting legitimacy in the person of the Comte de Chambord or the Comte de Paris.

For the same reason it may be assumed, without argument, that the validity of any act of President Juarez is in no respect whatever affected by the other fact, that, at the time of its date, there was, or might have been, somewhere in Europe, an Austrian archduke pretending to be emperor of Mexico. Suffice it to say that the imperial pretensions of that personage have never been recognized by the government of the United States.

It will not prejudice, but on the contrary it will strengthen, the force of the grant of President Juarez, if the French should undertake to set up in Mexico a Mexican puppet of theirs in place of the fugitive Austrian.

Doubtless, at a time hereafter, more or less remote, D. Benito Juarez will be succeeded by some other person, who may be elected to the office of president in his place. But this decree will continue to be in force as a lawful act of the Mexican government. To suppose the contrary of this—to suppose that a successive president of the Mexican republic is to undo the official acts of his predecessor, is to presume that Mexico has sunk down into a state of help-

less and hopeless impotency, anarchy and chaos, such as to render her continuance in the family of nations unendurable, either to America or to Europe.

I repeat, then, that in my opinion, this grant is valid and complete to vest the Tehuantepec Transit Company all the franchise, which it purports to bestow.

Your second question is in the following words :

“ Second. Is the validity of this grant impaired or injuriously affected by a prior grant to the Louisiana Tehuantepec Company ? ”

By the documents relative to this question, it appears that the president of the Mexican republic, Ignacio Comonfort, having declared that a privilege granted to other parties, Sloo and his associates, for the construction of a road across the Isthmus of Tehuantepec, had lapsed and become insubsistent for reason of non-performance of conditions, proceeded, on the 7th of September 1857, to grant the same or similar privileges to new parties, designated as Louisiana Tehuantepec Company, which company, failing to comply with conditions of its concession, applied for and obtained, on the 28th of March 1859, from the president of the Mexican republic, Benito Juarez, a prorogation of the times of performance; and again on the 25th of October, 1860, obtained from the same president (Benito Juarez) an additional and still further prorogation of its times of performance.

It also appears that, on the 15th of October 1866, the same president of the Mexican republic, by decree of that date, declared that “ the Louisiana Tehuantepec Company, having violated the obligations imposed on it by the decree of September 7, 1857, and those of March 28, 1859, and of October 25, 1860, in which were conceded adjournments of the times fixed to commence and complete the railroad in question, therefore the said privilege is declared lapsed and insubsistent (se declara caduco e insubsistente el mencionado privilegio.) ”

Now the established rules of public law require us to presume that the government of the Mexican republic acted in good faith in each one of this series of acts, namely :

First in declaring void the concession anterior to that of the Louisiana Tehuantepec Company, and in conceding the privilege to that company ;

Secondly, in the two successive prorogations granted to the Louisiana Tehuantepec Company to cure its reiterated failures to perform ; and

Thirdly, in finally pronouncing the absolute nullity, on account of such failures, of the concession made to the Louisiana Tehuantepec Company.

True it is that the first and second of these acts of the Mexican government were done by President Comonfort ; whilst the third, fourth, and fifth were done by President Juarez. But, in this distinction, there is no cause to attribute superior force to President Comonfort's acts, and inferior to those of President Juarez.

Least of all does it become competent for the Louisiana Tehuantepec Company to call in question the efficiency of the final annulment of its charter by President Juarez, in view of the fact that down to that time it existed only by virtue of the successive acts of resurrection conceded to it by the favor of the same President Juarez.

In fine, the Louisiana Tehuantepec Company had ceased to exist by the liquidations of its charter ; the competent executive authority of the Mexican republic decreed that such was the fact, in due form of administrative law ; the question of its existence as a corporation, holding the original franchise is closed by that decree, which implies verity in all matters of material fact comprehended within it ; and, if the company have any cause of complaint in this respect, that complaint, by the express terms of its charter, must be addressed to the Mexican government, and does not concern in any way the Tehuantepec Transit Company any more than the like complaint of Sloo and his associates, on whose behalf the Louisiana Company was founded, concerned the Louisiana Company.

Finally, if anything more were needed to demonstrate the present nullity

the charter of the Louisiana Tehuantepec Company, it may be found in the consideration, that, as appears by one of the documents before me, this company in October last, had recourse to the pretended Emperor Maximilian for the purpose of restoring its extinct vitality; which, in its legal and political effect, is precisely as if a person, holding any lapsed privilege, which had been lawfully conceded to him by President Lincoln, but which privilege had become forfeited because of non-performance of conditions, should present himself to-day at Washington, claiming the enjoyment of the extinct privilege in virtue of a professed renewal of his charter under the official seal of the late government of the Confederate States. *Non tali auxilio * tempus eget.*

In the document before me is manifested another fact, which, if not of decisive importance legally, yet is interesting and significant in the same relation. The Louisiana Tehuantepec Company, it appears, applied to President Juarez, by letter of the 18th of October, 1865, for an order to the public authorities on the Isthmus to protect the company in commencing the work prescribed by its charter. To which application President Juarez replied immediately after its reception, in March, 1866, that much to his regret he could not issue the order requested, because of the grant having lapsed for non-performance, and in amicable spirit inviting the company to present a petition in due form for the revalidation of its grant, on proper proofs that incidents had occurred to excuse non-performance. Instead of responding to this friendly overture on the part of the government of the republic, the company, it would seem, preferred and elected to stake its fortunes on those of the Archduke Maximilian, and obtained an act of confirmation or revalidation from him, during the very same month in which its default was being authenticated in legal form by the government of the republic, and a new concession made to the Tehuantepec Transit Company.

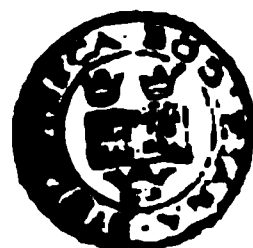
I have the honor to be your obedient servant,

C. CUSHING.

CHARLES KNAP, Esq.,

President of the Tehuantepec Transit Company.

No. 13.



Mr. Cushing's second opinion.

WASHINGTON, December 27, 1866.

DEAR SIR: I communicate to you herewith some supplemental observations on the subject of the legality of the charter of the Tehuantepec Transit Company, these observations being designed to meet the only objections, pretending to seriousness, which have come to my knowledge, in the way of criticism of the positions and conclusions of the opinion addressed to you by me on the 30th of November.

I submit the present observations, not because of doubt in my mind regarding any doctrine of law or matter of fact comprised in that opinion, but for the purpose, mainly, of justifying the action and vindicating the honor of President Juarez, and of the ministers of state and envoy of the Mexican republic, in so far as their acts have been called in question, with reference to the decree declaring the caducity of the grant of the Louisiana Tehuantepec Company, and conceding the lapsed franchise to the Tehuantepec Transit Company.

1. The most unjust and ungenerous reflections have been cast on the conduct of those high officers of the Mexican republic on account of the grantees having been required to make a deposit of one hundred thousand dollars as security to the Mexican government that this grant shall not, like those of the Louisiana and other previous companies, be trifled with and allowed to lapse, without ac-

completing the great objects of public utility contemplated by the Mexican government. It seems to me that this precaution, however seemingly onerous to you and your associates, was a wise one on the part of President Juarez, titling him to commendation instead of reproach on the part of all disinterested persons, whether in Mexico or the United States.

2. Objection has been made because of the caducity of the grant to Louisiana company not having been determined by a judgment of a court of law.

This objection comes with very ill grace from the Louisiana company, which itself starts with a grant based on the assumption of the validity of avoidance of a previous grant to the Sloo company and to the Mixed company without the intervention of a court of law.

The decree issued by President Comonfort, September 3, 1857, declaring the lapse of the previous grants, and which immediately preceded the grant to the Louisiana company, is in the following words, namely :

“ *Sole article.*—The privileges granted on the 5th of February, 1853, to A. G. Sloo and associates, and to the company entitled “Mixed,” for the opening of interoceanic communication through the Isthmus of Tehuantepec, is declared null and void, the grantees having violated the obligations imposed by the decree of the above date ; wherefore I order it to be published, circulated, and duly carried into effect.” (United States Senate Documents, 35th Congress, 1st session, Executive No. 72, page 54.)

Thus it appears that if the want of a judicial decree annulling the previous grant were a defect in the title of the Tehuantepec company, it would be an equally serious defect, and for the same reason, in the title of the Louisiana company.

Nay, supposing this defect to exist, it would retroact to the effect of reviving the original grant of the same privilege to D. José Garay, which lies at the foundation of the whole series of concessions appertaining to the interoceanic communication by the Isthmus of Tehuantepec ; for, at a period when all rights have passed away in due course of administration and legislation, might he bethink himself of the similar device of claiming that it was the peculiar and exclusive function of the courts of law to declare a concession lapsed in default of compliance with conditions on the part of the concessionary. (Vadades de Jurisprudencia, tom. ii, p. 390.)

But, indeed, this conception arises from misapprehension of the established system of public law in the Mexican republic, according to which all concessions of roads, canals, railways, and other similar works of internal improvement are matters, both in grant and construction of terms, of purely administrative resort, except in so far as they fall within the province of legislation. Neither concession nor the determination of the question of forfeiture for non-performance of conditions is of the particular resort of the courts of law, unless referred to them by the administrative authorities. (Lares, Derecho Administrativo, [Mexicano,] pp. 66, 76, 146.)

3. But all these matters are of secondary importance at this moment, inasmuch as the present subject is definitely disposed of by the subsisting constitution of the Mexican republic, the legislation under the same, and the corresponding action of the executive.

Section 22, article 72, title 4, paragraph 3, of the Mexican constitution, reads as follows :

“ Congress has the power * * of making laws regarding general means of communication, and regarding the post office and mails.” (Docts. House Rep., 37th Congress, 2d ses., Exec. No. 100, p. 140.)

The Mexican republic has had so much painful experience of the effects of civil war and of invasion as sufficed to admonish the statesmen who framed the present constitution of the necessity of providing therein for the possible con-

gency of a forced interruption of the sessions of congress. In view of which they introduced into the body of the constitution the following provision, namely :

"ARTICLE 29. In cases of invasion, grave disturbance of the public peace, or whatever cause which may put society in great peril or conflict, solely the President of the republic, in concurrence with the council of ministers, and with the approbation of the congress of the Union, and in the recess of this, of the permanent deputation, may suspend the guarantees established by this constitution, with exception of those which assure the life of man; but such suspension shall be only for a limited time, by means of general provisions, and of such a character as not to favor a determined individual purpose. If the suspension take place during the session of congress they shall grant such authorization as they shall esteem necessary to enable the executive to confront the circumstances. If it shall take place during recess the permanent deputation shall, without delay, convoke the congress for its advice and action" (Docts. House of Rep., 37th Congress, 2d ses., Exec. No. 100, p. 142.)

In precise compliance with this provision of the constitution it was that, on the 11th of December, 1861, after the war with France had begun, the Mexican congress adopted a law, the second article of which is as follows :

"ARTICLE 2. The executive is hereby invested with plenary power to make whatever regulations he may judge convenient without other restrictions than those of saving the national independence and the integrity of the national territory, the form of government established by the constitution and the principles and laws of reform." (Docts. House of Rep., 39th Congress, 1st ses., Exec. No. 73, pt. 2, p. 24.)

The provisions of this law had a certain term, the lapse of which would determine the authority thus conferred on the executive; and the circumstances of the country continuing the same after the expiration thereof, congress issued another law on the 3d of May, 1862, continuing in the person of the President the same plenary powers of administration and legislation; and again, the same circumstances continuing, on the 27th of October, 1862; and, finally, on the 27th of May, 1863, congress enacted that the extraordinary powers theretofore granted to the executive were to continue until thirty days after the next meeting of the congress in its regular session, or until the termination of war with France. (Docts. House of Rep., 39th Congress, 1st ses., Exec. No. 73, pt. 2, p. 24.)

Seeing that the condition of the country continued to be such as not to enable the next meeting of congress in regular session to take place, and seeing that the war with France has not yet terminated, thus it came to pass that the President of the Mexican republic remains invested with the legislative powers conferred upon him by the successive acts of congress.

Among these powers, as we have seen, is that of making laws concerning general means of communication, in virtue of which President Juarez, by a decree having the forms and force of law, declared the nullity of the grant to the Louisiana company, and conferred the franchise on the Tehuantepec company.

4. Independently of the clause of the constitution, however, and in respect to matters not thus defined to have been of mere legislative resort, certain it is that a multitude of analogous or similar matters are, and always have been, comprehended within the functions of the administrative authorities of Mexico, either the supreme or the local, according to the nature of the subject-matter.

Such matters have been determined administratively, except where circumstances might occur to subject them to legislative supervision; but they have not been considered as questions of judicial jurisdiction, unless by previous administrative reference to the courts of law. Even if of a contentious nature, they still remain of administrative jurisdiction; and in such case the ministers constitute the "ordinary administrative tribunal," and "each minister is to dis-

charge the functions of an ordinary administrative tribunal in all matters which are of the attribution of his branch of the public service." : Laredo, *Ubi Supra*, p. 381.)

Finally, the same author defines the special subjects of controversy, the solution of which is of purely administrative resort, and among them, especially public works, as, for example, canals and railroads, (p. 170.) which subjects he had already defined as being essentially acts of administration, (p. 76;) and, in reference to all such matters, he concludes that the contentious administrative jurisdiction is vested in appropriate administrative tribunals, those tribunals being, in the first instance, each one of the ministers of state, in their respective departments, and, of course, the minister of fomento in all matters of internal improvement. (*Ubi Supra*, pp. 377, 382, 383.)

The jurisprudence of Mexico, in these respects, corresponds with that of Spain, from which it is derived. (Colmeiro, *Derecho Administrativo Español*, tom. i, p. 38; tom. ii, pp. 243, 250, 232.)

The same principles of public right prevail in other countries of the civil law so called; that is, whose jurisprudence is derived primarily from Rome. For illustration of this it needs only to refer to the case of France. (Laferrière, *Cours de Droit Public et Administratif*, 4me éd., tom. ii, pp. 232, 742.)

Circumstances do undoubtedly exist in which the extinction of a privilege requires, by the law of Mexico, to be verified by a declaratory sentence. Such is the case of imputed forfeiture, because of the abuse of a privilege by overstepping the limit of the concession. But no such sentence is required when the privileges lapse by the death of the grantee, if it be a personal grant, or the destruction of the thing itself, if it be a real grant; or by the expiration of the period of the grant; or by non-performance within the time prescribed by the conditions of the concession. (Escriche, *Dic. de Legislacion*, sub *voc.* Privilegio.)

And the lapse of a grant by non-performance in the prescribed time is one of the precise cases of which the granting administrative authority has jurisdiction. (Compare Laredo, p. 66; Colmeiro, tom. ii, pp. 75, 87, 225, 228; Laferrière, tom. ii, p. 770.)

The theory of this whole doctrine is that the permanent and general interests of society cannot be sacrificed for the occasional and special interests of individuals, as would be the case if there were no separation of powers, and if the courts were capable, at the instance of such special interests of individuals, of interposing, so as, in effect or tendency, to stop the wheels of the government.

Now, true it is, that administrative jurisprudence is more carefully reduced to a system, more thoroughly understood as the subject of many learned treatises, in the countries of the Roman law, than it is in the United States; and it thus happens that the American lawyer is prone hastily to jump to the conclusion that all controversies of private right are justiciable at once by the courts of law; which disposition of the common-law mind has led to the denial, in certain quarters, of the validity of the charter of the Tehuantepec Transit Company, because of the courts of law not having previously determined the caducity of the privileges of the Louisiana company.

But we have the *thing* in the United States most unquestionably, although not invested with the same conspicuous forms as in Spain and Mexico.

On recurring to the subjects hereinbefore referred to, as of administrative resort by the civil law, and as involving quasi-judicial determination by the heads of the executive departments, it is plain to see that many of those matters are matters of administrative justice under the government of the United States.

But we have no occasion to assert the identity of the administrative institutions of the United States and Mexico, or the similitude of their forms of law. Profound differences exist in that respect between the institutions and forms of the respective countries.

In the present case of pretended conflict of right between the Tehuantepec company and the Louisiana company, the very possibility of any such question of competency or conflict is precluded by the fact that the declaration of the caducity of the privileges of the Louisiana company, and the grant of franchise to the Tehuantepec company, are the act, at the same time, of the President of the republic in his executive capacity as the supreme executive power of the republic, and also in his legislative capacity as the provisional depositary of the supreme legislative power of the congress.

All these conclusions might indeed have been presumed, from the circumstance that the acts in question emanated from men so thoroughly versed in the institutions and jurisprudence of their country as President Juarez and the Minister Yglesias, to say nothing of the other heads of executive departments, such as the Ministers Lerdo de Tejada and Megia.

5. I deem it wholly superfluous here to reargue the question of the rightful possession of the presidential office by President Juarez, the tenure of which rests with absolute legal certainty, in Mexico, upon the fact of his being the recognized President of the republic there; and, in the United States, in his also being recognized by the government of the United States.

The same consideration relieves me of the necessity of showing, as might easily be done, that when President Comonfort annulled the privileges of the Sloo company and the Mixed company, and granted the franchise to the Louisiana company, his pretensions to the executive were, to say the least, more contestable, in strict law, than those of Juarez at the present time.

6. Let me say, the construction of a railroad and line of telegraph for inter-oceanic communication by the way of the Isthmus of Tehuantepec, with suitable harbor improvements at Coatzacoalcas and La Ventosa, including light-houses, is an object of great and manifest utility to the whole commercial world, but primarily so to the United States and the Mexican republic. It has at all times been thus regarded by the public authorities and the people of both countries. The United States government at one time desired to possess the exclusive right of this communication, but has long since desisted from such pretensions, out of respect for the territorial sovereignty of Mexico. At a later day, the privilege of constructing this communication being vested in the hands of individual citizens of the United States, was made the object of special treaty protection by joint act of the American and Mexican governments. Now, as then, it is impossible that the American government should fail to consider with good will a great enterprise of such immense value to the people of the United States situated on both oceans. As to Mexico, she has been constantly ready heretofore, and will doubtless continue to favor this great work, by whatsoever persons or parties, and with whatsoever political opinions, she may have been or may be ruled. To her it would not only be the means of great economic improvements and of large national revenue in the fifteen per cent. of the net income of the communication, but an efficient step, also, to more stable nationality, by reason of the interests of other powers in its common use, and their consequent mutual friendship for the republic. President Juarez has therefore done a signal service to his country, in embracing the opportunity, when the franchise of the communication had lapsed in the hands of the previous grantees, to place it in the hands of yourself and your associates, with new provisions of guaranty for the construction of the railway and telegraph line, and for the safeguard of the interests of the Mexican republic. Under these circumstances, it would be injurious to the people of Mexico to doubt the future surety of the grant, whoever may be the President of the Mexican republic, whether D. Benito Juarez, or some other person who shall be constitutionally raised to power. And therefore, it needs only that all conflict of private interests in the United States shall be caused to cease, either by the conciliation or the discouragement of parties setting up title in the lapsed

franchise of the Louisiana company, to have this great undertaking placed on the most solid foundation, and to insure the speedy completion of an inter-oceanic communication, entitled, by its nature and its value, to the protection and support of all nations and all governments, but especially of the Mexican republic and the United States.

7. The Archduke Maximilian is respectable as a man ; he is of eminent rank as a cadet of the imperial house of Austria ; he may proudly appeal to the historical recollections of descent from the great Emperor Charles, whom Hernan Cortes served (with but poor requital) in the conquest and colonization of New Spain. But all these titles to consideration avail him nothing in the desperate enterprise he has undertaken of establishing a European dynasty on the soil of Mexico. In the eyes of all America, he is simply a foreign adventurer, the intruded instrument of the Emperor of the French, but whom the arms of France could not maintain against the mere passive resistance of President Juarez, standing statue-like as the impersonation of Mexican independence, and of American protestation against the intermeddling of Europe in the internal affairs of the republican peoples of America.

Santa Ana, Almonte, Miramon, Ortega—these might have been names of power, in other circumstances, to serve as rallying points of party or faction ; but when the French shall have embarked at Vera Cruz to the last man, the Mexican republic will, in the estimation of the people of Mexico and of the world, be only half rehabilitated, unless Benito Juarez resumes the place, from which French intervention drove him, in the palace of the government at the capital, as the constitutional President of the republic.

Whether he shall do so or not, and whether he shall or not be re-elected, his official acts as President, done in the discharge of the extraordinary functions with which the last constitutional congress invested him, must and will continue to have the efficacious force of law. To deny this, to say Juarez was not the legitimate President of the Mexican republic when he did those acts, would be to say that the Mexican republic had ceased to be ; it would be to aver that the very life of the Mexican nation and its government ended with the French invasion ; that all its national institutions had perished utterly, and become as if they had never existed ; that its treaty relations with foreign powers were extinct ; and that the national sovereignty of the republic lies dead and buried under the imperial pretensions of Maximilian.

Of course, no future President or congress of Mexico can or will say this : they must admit, nay, they must peremptorily insist, that the life of the republic had not been cut off or suspended for a moment ; and to prove this they must adduce and rely upon two classes of facts, namely, first, the uninterrupted recognition of the Mexican republic by the United States in the person of President Juarez ; and, secondly, the uninterrupted exercise of the supreme functions of government, executive and legislative, by President Juarez, the legal monuments of which consist of all such laws, decrees, and orders as were issued by him officially, whether at Mexico, at Paso del Norte, at Chihuahua, or anywhere else, in the proper form, with due attestation of the respective minister of state, and within the scope of the extraordinary powers intrusted to him by the last Congress.

In view of all which, I reiterate my opinion of the perfect legal validity of the charter of the Tehuantepec Transit Company.

I have the honor to be, very respectfully,

C. CUSHING.

CHARLES KNAP, Esq., *President.*

No. 14.

Opinion of Hon. Reverdy Johnson.

WASHINGTON, December 28, 1866.

My opinion is requested on these questions —

First. Is the decree in favor of the Tehuantepec Transit Company of the 15th October, 1866, a valid one, substantially and formally, so as to vest in the company the rights and privileges it purports to grant?

Second. If it be otherwise valid, is its validity impaired or injuriously affected by the prior grant to the Louisiana Tehuantepec Company, of the 7th of September, 1857?

1. The grant of October, 1866, was made by the executive of the government of Mexico, which, before that date, was, and ever since has been, the only government of that country recognized by our Congress and President. In the cases of *Rose vs. Himely*, 4 Cra., 241, and *Gelston vs. Hoyt*, 3 Wheat., 246, it was held by the Supreme Court of the United States to be a doctrine of national law, that it is the exclusive province of governments to recognize new states; and that until this is done, "courts of justice are bound to consider the ancient state of things as remaining unaltered."

The grant of October, 1866, therefore, is as valid as it would have been if the government of which Juarez was President had never been disturbed. In that case, his authority to make the grant, no prior legal one existing, cannot be questioned. Grants of analagous character have frequently been made by the executive of Mexico, and never called into doubt. I am, therefore, clear in the opinion, on the hypothesis that there was no previous legal and existing grant of a franchise, that the one in question of October, 1866, is perfectly valid.

2. Was the grant of the 7th of September, 1857, to the Louisiana company a valid one, when that or the 15th October, 1866, was made to the Transit company?

I am equally clear in the opinion that it was not. By its terms, the periods for beginning and completing the work were fixed. If neither was complied with, the grant was to be void, or by proper authority might be declared void. That neither of these conditions was fulfilled is established by the fact that the company, on the 28th of March, 1859, and 25th of October, 1860, applied for, and obtained from Juarez an extension of the time. When the extended time elapsed, the work was not begun or completed, and the franchise was consequently subject to forfeiture. No further time was asked of Juarez; but in answering, in March, 1866, an application made to him for a different purpose by the company, in October, 1865, and refusing it, on the ground that the franchise had lapsed from failure of performance, Juarez requested them to show him why the failure had occurred. Instead of doing this, however, they applied to Maximilian for a confirmative grant, and obtained it. For the reasons stated under the first head, this grant was wholly void. Maximilian was then, and is now, neither the government *de facto* nor *de jure* of Mexico. The United States have not only not recognized him in either capacity, but have expressly refused to do so. This being the case, the only government competent to decide the question of forfeiture was that of Juarez. And, in the due exercise of that authority, he, in proper form, adjudged the forfeiture, and made the grant of the 15th of October, 1866. The validity of such grant, therefore, in my opinion, is in no way impaired or injuriously affected by the prior one to the Louisiana company. If there was any government in Mexico in 1866 competent to grant such a franchise, (and that will hardly be denied,) it was that of Juarez, and not of Maximilian.

In the eye of the law, the latter is but an adventurer, seeking to overturn the existing government, and until he succeeds in this, (an event most improba-

ble at any time, and certainly not brought about in 1866,) that government be esteemed the only legitimate one, and, being so, was capable, on the 10th of October, 1866, of making the grant of that date to the Tehuantepec Company.

REVERDY JOHN

CHARLES KNAP, Esq.,

President Tehuantepec Transit Company, New York.

No. 15.

Supplement to Mr. Cushing's opinions.

WASHINGTON, January 17,

DEAR SIR: Intimation comes to me of the assertion, by some person connected with the Louisiana Tehuantepec Company, that the law of the Mexican republic, declaring the privilege of that company forfeited by lapse of time, is in conflict with an article (Article 35) in the concession to the company, in effect that "any doubt or difference in the execution or interpretation of the privilege shall be decided by arbitrators."

This new pretension of the Louisiana company apparently surrenders one, which assumed the legal necessity of a decree of a court of law, to announce the lapse of its privilege for non-performance in time.

But the pretension is manifestly unfounded. The language of the article is plain, the meaning equally so. It refers to any question within the concession, not to the concession itself. The inquiry whether the concession exists, or whether it has or has not expired by lapse of time, is not inquiry of its execution or interpretation.

Besides which this article must be construed in collation with article 2 of the concession, which declares that "the company shall have no greater rights than Mexicans, and no other means of enforcing them than those conceded to the latter by the laws of the Mexican republic." And the laws of the republic annul the privilege of the Louisiana company, both in form and in fact.

These reiterated efforts to impeach the legality and the good faith of the government of President Juarez in this respect compel the exposure of certain matters of fact and of law, which might otherwise have been pretexts.

The Louisiana Tehuantepec Company seem to labor under serious misapprehensions on the subject of their present and possible future relation to the Mexican government.

I referred, in my opinion of the 30th of November, to the fact that the Louisiana company had elected to throw itself upon the usurper Maximilian for protection, instead of availing itself, as it was invited to do, of the generous protection of President Juarez in their behalf.

In doing this, in obtaining such a concession from Maximilian, they have overlooked the law enacted by the Congress of the Mexican republic on the 13th of December, 1862, to the effect that all such acts are null and void, and that all who take part in the same are both civilly and criminally responsible, and that such concessions can never receive any consideration at the hands of the supreme government of the Mexican republic; that is to say, the Louisiana company has not only lost its grant by lapse of time, but it has, in effect, outlawed itself by undertaking to deal with the usurped government, and in violation of the laws of the republic.

In Mexico the parties engaged in the transaction are criminally responsible. Any property the company may have on the soil of Mexico has become forfeit to the government. Its charter would have incurred forfeiture under this law if it had not lapsed by neglect; and should the company think hereafter of applying to any government of the Mexican republic for favors, it will have its treatable practices with Maximilian thrown in its face; and by those practices, which are alike illegal in the United States as in Mexico, and offensive to the exchangeable political convictions of both countries, it has voluntarily stripped itself of all faculty of complaint, either to the Executive or the Congress of the United States. In truth, by reason of this act, the present legal condition of the Louisiana company is quite as desperate in the United States as it is in Mexico. Maximilian and his partisans, in contemplation of law, are persons in rebellion against the Mexican republic. Any contract made with such rebels by a citizen of the United States is, by the universal public law, "so fraught with illegality and turpitude as to be utterly null and void," being to the prejudice of the government recognized by the United States, (*Kenneth vs. Chambers*, 14 Howard, 38; *Williams vs. Oliver*, 12 Howard, 111; *De Wutz vs. Hendricks*, 9 Moore, 586; *Jones vs. Garcia del Rio*, 1 Turner & Russell, 497; *Yrisarri vs. Clemens*, 3 Bingham, 432.)

Such were the law and foreign policy of the United States in past times, and which the great events of our latter domestic history have but served to strengthen and confirm.

Annexed hereto you will find translations of the concession made by Maximilian to the Louisiana company, and of the above-mentioned decree of the Congress of Mexico. This decree, be it observed, was passed at a regular session of the Mexican Congress while in the full and complete exercise of its constitutional functions at the capital, and during a regular elective period of the presidential authority of President Juarez. It is not subject to any cavil whatsoever in the relation of law. It is just as duly and unquestionably a supreme law of the Mexican republic, as the act of Congress "to establish the judicial courts of the United States" is a supreme law of these United States.

I am, very respectfully,

C. CUSHING.

CHARLES KNAP, Esq.

No. 1.

[From the *Diario del Imperio*.—Translation.]

MAXIMILIAN, EMPEROR OF MEXICO.

Having heard our council of ministers, we decree :

Permission is given to the Louisiana Tehuantepec Company, privileged for the opening of an interoceanic communication by the isthmus of this name, by decree of September 7, 1857, and conformably with article 23d of the said decree, that it may transfer the residence of its directorship from New Orleans to New York, and change its name to that of the "New York and Tehuantepec Railroad and Steamship Company." Given at Mexico on the 12th of October, A. D. 1866.

MAXIMILIAN.

The MINISTER OF FOMENTO.

By the Emperor :

JOAQUIN DE MIER Y TERAN.

The Minister of Fomento.

No. 2.

Decree of the congress of Mexico.

[Message of the President of the United States, Thirty-ninth Congress, first session, House of Representatives, Executive Document No. 73, part 2, page 243.—Translation.]

DEPARTMENT OF GOVERNMENT,
Mexico, December 14, 1862.

The citizen president of the republic has been pleased to direct to me the following decree :

Benito Juarez, Constitutional President of the United Mexican States, to the inhabitants of the same :

Be it known that the congress of the union has thought proper to decree the following :

ARTICLE 1. The acts of the so-called authorities, imposed by the invaders and traitors, or which they may hereafter establish in the republic, are null and void, and can never in any way approved.

ART. 2. All contracts celebrated by the said so-called authorities, or that may hereafter be celebrated, are also null and void, and all who take part in the same will incur civil responsibility in addition to the criminal responsibility already prescribed by the laws now in force ; and such contracts can never be regarded in any manner, or taken into consideration, by the supreme government of the republic.

ART. 3. The traitors cannot be considered under any aspect, in the treaties which the government may celebrate with France.

Dated in the hall of sessions of congress of the union, in Mexico, the 13th of December, 1862.

PONCIANO ARRIAGA, *Vice-President.*

FELIX ROMERO, *Deputy Secretary.*

FRANCISCO BUSTAMANTE, *Deputy Secretary.*

Wherefore I order that it be printed, published, circulated, and duly observed.

BENITO JUAREZ.

NATIONAL PALACE OF MEXICO,
December 13, 1862.

I communicate the same to you for your intelligence and to the consequent end:
Liberty and reform !

FUENTE.

The Citizen JUAN ANTONIO DE LA FUENTE,
Minister of Foreign Relations and of government.

To the citizen GOVERNOR *of the federal district.*

REPORT OF THE SECRETARY OF WAR,

COMMUNICATING,

*with a resolution of the Senate of February 4, 1867, a copy of
e taken at Denver and Fort Lyon, Colorado Territory, by a mili-
ssion, ordered to inquire into the Sand Creek massacre, November,*

1867.—Read, referred to the Committee on Indian Affairs, and ordered to be
printed.

WAR DEPARTMENT,
Washington City, February 12, 1867.

re the honor to transmit herewith a communication from the Adju-
of this date, covering a report of the Sand Creek massacre in Nov-
, called for by a resolution of the Senate dated February 4, 1867.
respectfully, sir, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

S. FOSTER,
President of the Senate.

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, February 12, 1866.

ompliance with your instructions of the 4th instant, I have the
nit horewith a copy of the "evidence taken at Denver and Fort
do Territory, by a military commission, of which Colonel S. F.
ran battalion first Colorado cavalry, was president, ordered to in-
l report all the facts connected with the so-called Sand Creek mas-
mber, 1864," called for by Senate resolution of the 4th of Febru-

honor to be, sir, very respectfully, your obedient servant,
E. D. TOWNSEND,
Assistant Adjutant General.

. STANTON,
Secretary of War.

PROCEEDINGS OF A MILITARY COMMISSION CONVENED BY SPECIAL ORDERS No. 23, HEADQUARTERS DISTRICT OF COLORADO, DENVER, COLORADO TERRITORY, DATED FEBRUARY 1, 1865, IN THE CASE OF COLONEL J. M. CHIVINGTON, FIRST COLORADO CAVALRY.

DENVER, COLORADO TERRITORY,
May 30, 1865.

Proceedings of a military commission convened by Special Orders No. 23 current series, headquarters district of Colorado, date February 1, 1865.

SAM. F. TAPPAN,
Lieut. Colonel Veteran Battalion, First Colorado Cavalry.
GEO. H. STILWELL,
Capt. Vet. Batt. First Col. Cav., Recorder of Military Commission.

[Special Order No. 23.—Extract.]

HEADQUARTERS DISTRICT OF COLORADO,
Denver, Colorado Territory, February 1, 1865.

* * * * *

II. In obedience to instructions from the major general commanding department, a military commission is hereby convened, to meet in Denver City, Colorado Territory, on the 9th instant, to investigate the conduct of the late Colonel J. M. Chivington, first regiment Colorado cavalry, in his recent campaign against the Indians, in the months of October, November, and December, 1864. This includes the amount and disposition made of all property captured from the Indians, or otherwise, obtained during the campaign.

Detail for the commission.

1. Lieutenant Colonel Sam. F. Tappan, veteran battalion first Colorado cavalry;
2. Captain Ed. A. Jacobs, veteran battalion first Colorado cavalry.
3. Captain Geo. H. Stilwell, veteran battalion first Colorado cavalry.

III. In view of the press of business and the necessities of the case, the commission will sit without regard to hours. The junior member will record the proceedings.

By order of Colonel T. Moonlight, eleventh regiment Kansas cavalry:

IRA I. TABER,
First Lieutenant and Acting Assistant Adjutant General.

DENVER, COLORADO TERRITORY,
February 9, 1865—2 p. m.

Commission met pursuant to foregoing order.

Present: Lieutenant Colonel S. F. Tappan, veteran battalion first Colorado cavalry; Captain E. A. Jacobs, veteran battalion first Colorado cavalry; Captain Geo. H. Stilwell, veteran battalion first Colorado cavalry, recorder.

Order convening commission read in the presence of J. M. Chivington, late colonel first Colorado cavalry.

Question raised by members as to the construction to be put upon the order convening this commission, which was determined to decide before organization.

The commission was cleared for discussion, pending which, adjourned until 10 o'clock a. m. to-morrow, February 10, 1865.

SECOND DAY.

FEBRUARY 10, 1865—10 o'clock a. m.

Commission met pursuant to adjournment.

Present: Lieutenant Colonel S. F. Tappan, veteran battalion first Colorado cavalry; Captain E. A. Jacobs, veteran battalion first Colorado cavalry; Captain George H. Stilwell, veteran battalion first Colorado cavalry, recorder.

The question under discussion at adjournment was resumed, pending which, adjourned until 2 o'clock p. m. this day.

Two o'clock p. m.—Commission met pursuant to adjournment.

Present, all members and recorder.

The question under discussion at adjournment was resumed, pending which, adjourned until 10 o'clock a. m. to-morrow, February 11, 1865.

THIRD DAY.

FEBRUARY 11, 1865—10 o'clock a. m.

Commission met pursuant to adjournment. Present, all members and recorder.

The question under discussion at adjournment yesterday was resumed, pending which, adjourned until 2 o'clock p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

Adjourned until 10 o'clock a. m. Monday, February 13, 1865.

FOURTH DAY.

FEBRUARY 13, 1865—10 a. m.

Commission met pursuant to adjournment. Present, all members and recorder.

Adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

Additional orders or instructions from Colonel T. Moonlight, commanding district Colorado, marked A, and appended to these proceedings.

A.

HEADQUARTERS DISTRICT OF COLORADO,
Denver, Colorado Territory, February 12, 1865.

SIR: The commission, of which you are president, convened by Special Orders No. 23, current series, from these headquarters, in obedience to instructions from department headquarters, is convened for the purpose of investigating all matters connected with the action between Colonel Chivington and the Indians, known as the Sand Creek fight, to ascertain, as far as possible, who are the aggressors, whether the campaign was conducted by Colonel Chivington according to the recognized rules of civilized warfare, and whether based upon the law of equity from the commencement of Indian hostilities to the present time.

It is also important to understand whether the Indians were under the protection of the government, and by what authority, or through what influence, they were induced to place themselves under that protection; whether Colonel Chivington was knowing to this fact; and whether, or not, the campaign was forced upon the Indians by the whites, knowing their helpless condition; and whether the Indians were in a state of open hostility and prepared to resist any and all of the United States troops.

Whether any prisoners were taken by Colonel Chivington's command, and the disposition made by the same.

If the proper steps were taken by the colonel to prevent unnatural outrages by his command, and punish the transgressors, if such there were.

A special point in your investigation should be as to the amount, kind, and quality of property captured by Colonel Chivington and command; the disposition made of that property, and the steps taken by the colonel to protect the government and insure justice to all parties, and whether he gave this matter any special attention. Also, regarding the treatment of government property, such as horses and mules in the service, during the campaign, and until relieved from duty.

This commission is not intended for the trial of any person, but simply to investigate and accumulate facts called for by the government, to fix the responsibility, if any, and to insure justice to all parties. Colonel Chivington, under these circumstances, has not the right of challenge, and I have been careful to appoint a commission composed of officers not engaged in the operations they are called upon to investigate.

The commission will be sworn in presence of Colonel Chivington, under the 93d article of war, and he will be permitted to have such legal assistance as the commission may deem proper in the premises.

The sessions may be public or private, as the members deem prudent and right.

The commission has power to call for witnesses, and compel attendance. These instructions will be appended to the proceedings, and the whole forwarded through these headquarters.

I have been thus explicit, that the commission may have full sweep, and act without embarrassment.

Respectfully, your obedient servant,

T. MOONLIGHT,

Colonel Eleventh Kansas Cavalry, Commanding.

Lieutenant Colonel S. F. TAPPAN,

President of Military Commission.

Read in the presence of J. M. Chivington, late colonel first Colorado cavalry, who made application for a copy of said instructions, which was given him

The following request was also made by J. M. Chivington, late colonel first Colorado cavalry:

"I would most respectfully request the commission to delay their organization until I can prepare objections to their organization of the court as a commission, and to object to one of the members, on the grounds of prejudice open and avowed, as I have only this minute heard what the instructions of the colonel commanding were, and what the court intended to investigate."

The rooms were cleared for discussion.

Rooms again opened.

J. M. Chivington, late colonel first Colorado cavalry, called in.

The request was not complied with.

The commission proceeded to organize.

The members and recorder were duly sworn in presence of J. M. Chivington, late colonel first Colorado cavalry.

Asked permission to be granted until to-morrow morning, 10 o'clock, to certain papers containing his objections to the organizing of the commission which was granted.

The following request was also made by J. M. Chivington, late colonel first Colorado cavalry, viz:

"I would most respectfully request that the proceedings of this commission be public, and the daily or other papers be allowed, if they desire, to have reporters present;" which was decided to answer to-morrow.

The commission adjourned until 10 a. m. to-morrow, February 14, 1865.

FIFTH DAY.

FEBRUARY 14, 1865, 10 a. m.

Commission met pursuant to adjournment. Present, all members and recorder. Foregoing proceedings read in presence of J. M. Chivington, late colonel first Colorado cavalry.

Documents marked in red letters, B, C, D, and E, and appended to these proceedings, presented to the commission by J. M. Chivington, late colonel first Colorado cavalry.

B.

To the president and members of the military commission, convened as per Special Orders No. 23, Headquarters District of Colorado, February 1, 1865:

GENTLEMEN: I would most respectfully object to Lieutenant Colonel S. F. Tappan, first veteran battalion Colorado cavalry, being a member of the commission, for the following reasons, to wit:

1st. That the said Lieutenant Colonel S. F. Tappan is, and for a long time past has been, my open and avowed enemy.

2d. That the said Lieutenant Colonel S. F. Tappan has repeatedly expressed himself very much prejudiced against the killing of the Indians near Fort Lyon, Colorado Territory, commonly known as the battle of "Sand Creek," and has said that it was a disgrace to every officer connected with it, and that he (Tappan) would make it appear so in the end.

3d. That I believe, from a full knowledge of his character, that he cannot divest himself of his prejudices sufficiently to render an impartial verdict, and is, therefore, not such a judge as the law contemplates when it directs that all men shall be tried by an impartial tribunal. To sustain the above, you will please notice accompanying affidavits, marked A and B.

J. M. CHIVINGTON,
Late Colonel First Cavalry of Colorado.

C.

John M. Chivington, being first duly sworn, deposes and says, that he is well acquainted with Lieutenant Colonel S. F. Tappan, first cavalry Colorado; that said Lieutenant Colonel Tappan should not be permitted to remain as a member of the military commission convened for the investigation of the "Sand Creek affair," or, properly, of the battle between the troops under Colonel John M. Chivington and the Cheyenne Indians, fought November 29, 1864, about forty miles north of Fort Lyon, on the south branch of the Big Sandy, for the following reasons, to wit:

That the said Tappan is, and for a long time past has been, an avowed enemy of the said John M. Chivington; that the said Tappan has repeatedly stated that the "Sand Creek affair" was a disgrace to every officer connected with it; and upon one occasion said Lieutenant Colonel Tappan stated that he would make it appear so in the end.

J. M. CHIVINGTON.

Subscribed and sworn to before me, as witness my hand and notarial seal, on this 9th day of February, A. D. 1865.

[SEAL.]

JOHN Q. CHARLES,
Notary Public.

D.

Joseph S. Maynard, being first duly sworn, deposes and says, that he is well acquainted with Lieutenant Colonel S. F. Tappan, first cavalry, Colorado; that he has heard said Tappan say that the battle of "Sand Creek," or, more properly, the battle fought between the troops under Colonel John M. Chivington, first cavalry Colorado, and the Cheyenne Indians, fought November 29, 1864, about forty miles north of Fort Lyon, Colorado Territory, was one of the greatest blunders ever committed, and one that would cost thousands of lives, and the government a great deal of treasure. Further the deponent saith not.

J. S. MAYNARD.

Sworn and subscribed to before me this 9th day of February, 1865, as witness my hand and notarial seal.

[SEAL.]

JOHN Q. CHARLES,
Notary Public.

E.

To the president and members of the military commission convened pursuant to Special Orders No. 23, Headquarters District of Colorado, dated February 1, 1865, Denver, Colorado Territory :

John M. Chivington, late colonel first cavalry, Colorado, most respectfully objects that this commission has not power and authority to inquire concerning his official acts as specified in the order concerning this commission, for the following reasons :

1st. That the subject-matter which this commission is directed to investigate should be submitted to a court of inquiry, and not to a military commission.

2d. That this court, although denominated a military commission, has been organized as a court of inquiry, using the forms prescribed for the organization of such courts.

3d. That the instructions accompanying the order convening this commission clearly show that the duties of a court of inquiry are imposed upon this commission.

4th. That the colonel commanding this district has no authority to convene a court of inquiry, or any tribunal which shall perform the duties of a court of inquiry, except by order of the President, or request of the officer accused.

5th. That there are no charges or specifications filed with the commission and that the order and instructions are couched in such general language that they do not apprise him of the nature of the accusations against him.

6th. According to the provisions of General Orders No. —, dated Washington, D. C., 1864, the colonel commanding the district of Colorado, the number of troops in the district and under his command, are not sufficient to authorize the said colonel commanding to convene a military commission.

J. M. CHIVINGTON,
Late Colonel First Cavalry of Colorado.

Read to commission. The commission was then cleared for discussion. Adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

The following reply to J. M. Chivington's request was made by the commission, and read in his presence :

In reply to the request of Colonel J. M. Chivington, late colonel first Colorado cavalry, that the sessions of this commission be opened to the public, and a reporter

d to report and publish the proceedings in the daily papers, the commission not being able to determine who may be required as witnesses during investigation, and believing that the exigencies of the public service demand, and that no one can be benefited by such publicity, decides that he orders the sessions of the commission shall be private; this order construed in such a manner as to prevent the attendance of Colonel Chivington and his attorneys. Commission was cleared for further discussion. Chivington, late colonel first Colorado cavalry, was then called in and his ruling decision read in his presence:

In reply to the objections of Colonel Chivington, late colonel first Colorado cavalry, as to the jurisdiction of this commission, the commission is of opinion that it is competent for the commander of the district, or department, to order any officers, to take depositions, or collect evidence upon any matter of interest that may have taken place in his district, or department, and to issue to any officer, or officers, instructions as to what facts he or they are to elicit, and in the form of an oath such officer or officers may take, and designate any officer or officers as a commission, or military commission; the instructions defining the proper interpretation of the term binding upon the commission, and declare that no person or persons shall have the privilege of objecting to the proceedings of such commission as long as its members confine themselves to the instructions, and the common rules for taking evidence. In this case Colonel Chivington is expected to be present during the sessions of the commission to introduce evidence and cross-question witnesses, in order that all the facts may be collected, and justice done to all parties. The order and instructions governing the commission specify our duties. No one is arraigned before the commission, no charges alleged and placed in possession of the commission; but the commission is merely called upon to receive and methodize information. In this case to give no opinion on the same, as we are not required to report, save that of submitting the evidence in accordance with instructions. The commission is instructed to collect evidence, information, and facts. It does not feel authorized to prevent the introduction of evidence bearing on the subject to be investigated, provided it is pertinent and not merely immaterial.

Adjourned until 10 a. m. to-morrow, February 15, 1865.

SIXTH DAY.

FEBRUARY 15, 1865.

Commission met pursuant to adjournment. Present, all members and readers.

Readings of yesterday read and approved.

Following communication was read to commission and in presence of J. Chivington, late colonel first Colorado cavalry:

I hereby give notice that during the day, or to-morrow, I will file an answer to the statement of Colonel Chivington in reference to myself, and desire that it be a part of the record.

SAMUEL F. TAPPAN,

*Lieut. Colonel Veteran Battalion, First Colorado Cavalry,
President of Commission.*

Following communications were read to commission:

I respectfully request a copy of my objection and the reply thereto, that I may submit the matter to the major general commanding department of Missouri, for his consideration.

J. M. CHIVINGTON,

Late Colonel First Colorado Cavalry.

To the President and members military commission :

GENTLEMEN: I would most respectfully protest against Lieutenant Co S. F. Tappan, veteran battalion first Colorado cavalry, filing a reply to my objections after the court commences taking evidence, as the court did not give me time to file objections, and I think they cannot reasonably claim that they do not grant.

J. M. CHIVINGTON,
Late Colonel First Colorado Cavalry

The commission was cleared for discussion. Commission adjourned at 4 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

J. M. Chivington, late colonel first Colorado cavalry, called, and the following decision of commission read in his presence :

Request of John M. Chivington, late colonel first Colorado cavalry, for return of certain papers, not complied with as requested. The commission has no objection to furnishing a copy of the said papers, if asked for, without reference to the disposition to be made of them.

In reply to objections of J. M. Chivington, late colonel first Colorado cavalry, to my being a member of this commission, I desire to state, and have my statement made a part of the record: The colonel misunderstood me to have said that "I would make it appear so in the end," referring to my statement that the affair at Sand creek was a disgrace to the officers connected with it. I said "it would appear so," not having any desire or expectation that I should ever be called upon to prosecute the matter, but confident government would take action on the subject, and the facts elicited would make it appear disgraceful.

The statement of Captain Maynard is substantially correct. A few days after the affair of Sand creek I remarked to Captain Maynard that from what I could hear, the attack on the Indians at Sand creek was the greatest military blunder of the age, and fatal in its consequences.

As to my alleged prejudice and alleged personal enmity, even if true, I do not consider them at all influencing me in performing the duties assigned to me by this commission, especially after taking the oath required as a member.

SAMUEL F. TAPPAN,
*Lieut. Colonel Veteran Battalion, First Colorado Cavalry,
President Commission*

Captain S. S. SOULE, veteran battalion first Colorado cavalry, called to give evidence by the commission, having been duly sworn according to law in the presence of J. M. Chivington, testified as follows:

By the COMMISSION :

Question. Your full name, age, and rank in the army?

Answer. Silas S. Soule; twenty-six years of age; captain company D, veteran battalion first Colorado cavalry, and assistant provost marshal general district of Colorado.

Question. How long have you been an officer in the first regiment Colorado volunteers?

Answer. Since December 11, 1861.

Question. Were you on duty at Fort Lyon in August and September?

Answer. I was.

Question. Did you accompany Major Wynkoop's command to an Indian camp on the Smoky Hill about that time?

Answer. I did.

Q. How large a command had Major Wynkoop, and what was the object of the expedition?

A. Between one hundred and twenty and one hundred and thirty men; among some white captives the Indians had in their possession.

Q. Did you find the camp? how many Indians were in it, and what was done by Major Wynkoop?

A. We did not find the camp; we found where they camped the night before. The Indians were there, I think about five hundred or six hundred; their women and children were removed. He told them he wanted to see them, and their chiefs came into our camp and held a council. Major Wynkoop asked them to give up the white prisoners in their possession. They were desirous of making peace with the whites. Major Wynkoop told them he had not the power to make peace, but if they would give up the white prisoners he would take them to Denver before the governor, and pledged himself to protect them to Denver and back; whether they made peace or not they would be safely returned. Black Kettle, their principal chief, said the white prisoners were some distance from their camp, and wanted us to move one or two miles march nearer Fort Lyon, and wait there two days (I think) and he would bring the white prisoners to us. They brought a white woman into our camp the same day, and the second day they brought in three children. We went on to Fort Lyon with about fifty of their Indians, and from there to Fort Collins with seven Indians and the captives.

Q. How far was the camp from Fort Lyon?

A. About eighty or ninety miles.

Q. What tribes composed the Indian forces?

A. Cheyennes and Arapahoes.

Q. Who were those seven Indians that came to Denver with you?

A. Black Kettle, Bull Bear, Boiesee, White Antelope, Neva, Notane; I don't remember the name of the other.

Q. Were these all chiefs of the tribes that were where you first found them?

A. They were.

Q. State what was done after reaching Denver.

A. Major Wynkoop asked the governor, Colonel Chivington, and some of the officers to meet in council at Camp Weld, to hear their propositions for peace. He had a talk with the chiefs. The Indians seemed very anxious to make peace. The governor told them that he could not make peace with them. They asked for military power for protection. Colonel Chivington told them that it was a matter with Major Wynkoop; if they wanted peace they must come to the post and subject themselves to military law. There was a great deal of talk, but I don't remember what it was.

Q. What was done after the council in Denver?

A. We returned with the chiefs to Fort Lyon. Major Wynkoop told them to bring in the Indians of their tribe who were anxious for peace to Fort Collins and camp near the post, (just below,) and he would immediately send to General Curtis and see if peace could not be made. He immediately sent Major Denison to General Curtis. The Indians came in and complied with Major Wynkoop's orders, and camped near the post.

Q. Did the Indians, in council, manifest a desire for peace, and a willingness to comply with the conditions of Colonel Chivington?

A. They did.

Q. How many Indians came into the fort, and what tribes were they?

A. There were one hundred and six lodges came into the post. Arapahoes and Cheyennes—mostly Arapahoes.

Q. Were all the chiefs with them, those who had been to Denver?

A. Black Kettle, their principal chief, and Bull Bear went out to their

tribes to bring in more Cheyennes, and brought in a number of Cheyenne families. I have forgotten how many, probably three hundred Indians. I think they all remained at the post with the exception of three—Black Kettle, Bull Bear, and some other one I don't know; I think there were three chiefs went out.

Question. Were they all there after Bull Bear and Black Kettle returned?

Answer. They were all there, I think, with the exception of Bull Bear.

Question. State how long the Indians remained at Fort Lyon, and what was done concerning them.

Answer. I should think that they remained at the post about two weeks, until Major Anthony came from Denver and relieved Major Wynkoop from command at Fort Lyon. Major Anthony told the Indians that they must give up their arms, and horses and mules which belonged to the government or to the whites. This he told to Little Raven, (Arapahoe chief,) then in command of the village near the post. Little Raven gave up three rifles, one pistol, and I think about sixty bows and quivers; nine horses and mules.

Question. Was the same demand made upon Black Kettle?

Answer. No; it was not made to my knowledge.

Question. Was the demand on Little Raven repeated by Major Anthony?

Answer. No, it was not.

Question. What was the understanding with the Indians while in and about Fort Lyon?

Answer. That they were to be protected by the troops there until the messenger returned from General Curtis.

Question. Did a messenger arrive at the fort from General Curtis prior to the first of December, 1864?

Answer. There was not.

Question. Were you at Fort Lyon on or about the 27th of November? If so, what happened there on that day?

Answer. I was there on the 27th of November, at Fort Lyon. About that time Major Wynkoop left Fort Lyon. On the evening of the 27th, Lieutenant Minton and myself discovered some horsemen about fifteen miles above Fort Lyon; supposed them to be Indians. We returned to the fort and reported to Major Anthony. Major Anthony ordered me to take twenty men and go after them, supposing them to be hostile Indians. I proceeded up the Arkansas, and about sunrise I met a mule team; inquired if there were Indians ahead, and the driver told me that Colonel Chivington had ten or twelve companies of "one hundred-daysers." On, about two miles further, I went, and met Colonel Chivington and about, I suppose, one thousand men (soldiers.) Colonel Chivington asked me if they knew he was coming at Fort Lyon. I told him they did not, and that I had learned from the person with the mule team, two miles below, that he was coming. Colonel Chivington then rode ahead of the command to Fort Lyon. I remained and came in with the third regiment, or a little ahead of them.

Question. Did Colonel Chivington ask you if the Arapahoes and Cheyennes were still in Fort Lyon?

Answer. I think Colonel Chivington asked me if there were any Indians at Fort Lyon; it might have been some of his staff who were with him.

Question. What answer did you make?

Answer. I said that there were some Indians camped near the fort, below the fort, but they were not dangerous; that they were waiting to hear from General Curtis. They were considered as prisoners; some one made answer that they wouldn't be prisoners after they got there.

Question. Did the command go on to the fort and camp?

Answer. No; they camped a mile below the fort, below the commissary.

Commission adjourned until 9½ o'clock a. m. to-morrow, February 16, 1865.

* Third regiment, Colorado cavalry, (one hundred-days men.)

SEVENTH DAY.

FEBRUARY 16, 1865—9½ a. m.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of yesterday read and approved.

Captain Silas S. Soule, veteran battalion first Colorado cavalry, recalled by the commission, and, in presence of J. M. Chivington, testified as follows :

By COMMISSION :

Question. Did Colonel Chivington say anything to the Indians while in council near Denver? If so, what did he say?

Answer. Said his business was not to talk, but to fight; that he was a man of few words. He said but little; I do not remember all that was said. He gave them to understand that he was the man, and not Governor Evans, for them to talk to; that he left the matter with Major Wynkoop; that is about all I recollect of it.

Question. State what was done after the command of Colonel Chivington reached Fort Lyon?

Answer. There was a guard stationed around the post, before the regiment arrived there—before I got in—with orders to allow no person to pass out. Major Anthony ordered myself and company to join the colonel's command with three days' cooked rations, and twenty uncooked. I joined Colonel Chivington's command that evening about 8 o'clock, in company with companies G and K, under Major Anthony. I immediately marched about north, marched all night, arrived at the village of Cheyennes and Arapahoes just before sunrise. Major Anthony's battalion was ordered by Colonel Chivington to move across below the Indian camp to cut off a herd of ponies. Lieutenant Wilson, with a battalion of two or three companies, crossed the creek ahead of us, and opened fire on the village. Major Anthony then moved our battalion to within about one hundred yards of the lodges, and ordered us to open fire; some firing done, when the battery came up in our rear with the third regiment and prepared for action. Major Anthony ordered my company, which was directly in line of fire of the battery, to move down into the creek, with orders to move up the creek and for the purpose of killing Indians which were under the banks. Before I got into the creek there were troops upon both sides firing across. It was unsafe for me to take my command up the creek. I crossed over to the other side and moved up the creek. The battery and the first and third regiments kept up firing until the Indians were killed they could get at; until about 2 o'clock. About 3 o'clock I received orders from Major Anthony to accompany him with my company to escort a supply train on their way from Fort Lyon. I was not back on the battle-ground again that day. Met Colonel Chivington's command returning the next day; they went into camp with us, and the next day we marched to the mouth of Sand creek, about eighteen miles from Fort Lyon; started out that same night, and marched all night on the Santa Fé road, toward the States; laid over the next day in camp; Colonel Chivington ordered me on a scout with twenty-odd men; I saw nothing more of his command until two days later, I think; I came across their camp about eighty miles below Fort Lyon; laid in camp, I believe, one day, and moved back in company with their command to Fort Lyon.

Question. Have you been at Sand creek since; if so, what did you see there, and who went with you?

Answer. I went to Sand creek on the last of December with about thirty men, accompanied by Captain Booth, inspecting officer and chief of cavalry, district of the upper Arkansas. Saw sixty-nine dead Indians and about one hundred live dogs, and two live ponies and a few dead ones. I believe that is about all.

Question. How long have you been provost marshal of the district?

Answer. Since about the 20th of January. I don't remember the exact date.

Question. How many horses, ponies, and mules have you taken for the government from private persons?

Answer. I don't know exactly. The guards have brought in a good many, and were turned in to the quartermaster.

Question. Do you know what became of the horses furnished the third regiment by the government, and the stock captured at Sand creek by Colonel Chivington's command?

Answer. I do not; except I saw bills of sale of some signed by Captain Johnson, third regiment.

Question. What was the form of those bills of sale, and how signed, and to whom were they given?

Answer. I don't remember the form; I have one at the office, I think, given to a man on West Plum creek.

Question. Do you know of any ponies that were captured at Sand creek being driven north of Denver, fifty or a hundred miles, and left upon the ranch of Mason & Maynard, by Captain Johnson?

Answer. I have seen a note from Mr. Mason, stating that he, Mason, had sent a herd; that they were on their way to Denver.

Objection by J. M. CHIVINGTON:

I object to the answer on the ground that it is not responsive to the question and irrelevant to the subject-matter of inquiry, and not evidence that the court should receive, being hearsay.

(Objection sustained.)

By COMMISSION:

Question. Have you any information in your possession as provost marshal, that a herd of stock was left on Mr. Mason's ranch by Captain Johnson, and that it is there now?

Answer. I have information that a herd of stock was left there or sent there by Captain Johnson.

Objection by J. M. CHIVINGTON:

I object to the question and answer because it does not adduce facts, within the knowledge of the witness.

Commission was cleared for discussion. Adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

Decision of commission in relation to the last objection of J. M. Chivington relative to question by commission and answer by witness: The objection sustained.

Captain Silas S. Soule, veteran battalion first Colorado cavalry, recalled to commission, and in presence of J. M. Chivington testified as follows:

By COMMISSION:

Question. At what time on the 28th of November did Colonel Chivington leave Fort Lyon, how far did he march to reach the Indian camp on Sand creek, and what was his order of march?

Answer. He left camp about 8 o'clock in the evening, and arrived at the Indian camp between daylight and sunrise; distance about forty-five miles; marched in column of fours. Major Anthony's battalion I think was on the right. Lieutenant Wilson's battalion was in the rear of us, as near as I can recollect between Anthony's battalion and the third regiment.

Question. Did you know before leaving Fort Lyon, to join Colonel Chivington's command, that he was going to attack Black Kettle's band of Indians?

Answer. I heard so before the order was given, from Lieutenant Oramer.

Question. Did you inform Colonel Chivington of the relations existing between officers at Fort Lyon and the Indians?

Answer. I did not inform him personally, but I requested Major Anthony to inform him; I also wrote a note to an officer of the third regiment to give to him, (Chivington.)

Question. Did you protest to your commanding officer against attacking the Indians?

Answer. I did.

Question. Who was your commanding officer?

Answer. Major Anthony.

Question. Did you inform Major Anthony of the relations existing with Black Kettle's Indians?

Answer. I did. He knew the relations; I frequently talked to him about it.

Question. What answer did Major Anthony make to your protest?

Answer. He told me that we were going on the Smoky Hill to fight the hostile Indians; he also said that he was in for killing all Indians, and that he was only acting or had been only acting friendly with them until he could get a force large enough to go out and kill all of them—"all the Indians," or words to that effect.

Question. On arriving near the camp of Black Kettle, what was the order of attack?

Answer. We went on a gallop in column of fours, for about two miles. Lieutenant Wilson's battalion went ahead, crossed Sand creek, and opened the attack on the lower end of camp. Major Anthony's battalion took nearly the same as Wilson's and opened fire to the left, before we got to Wilson's battalion. The battery opened fire in rear of Anthony's battalion; they prepared for action in rear of Anthony's battalion, and moved forward before firing to about where Anthony's battalion had been; after that, I could see no order to the battle. The command was scattered and every man firing on his own hook on both sides of the creek.

Question. What is the general course of Sand creek at the point Black Kettle was encamped?

Answer. At the camp, I think it was about northeast and southwest; the creek takes a bend there where the battle-ground was. The general course of the creek I think is about northwest and southeast.

Question. Did Lieutenant Wilson's battalion approach the camp in line?

Answer. They were in line when they opened fire.

Question. From what point of the compass did Lieutenant Wilson's battalion face the camp?

Answer. Faced the camp from the northeast and fired in a southwesterly direction.

Question. At the time Lieutenant Wilson's battalion opened fire, was Major Anthony's battalion in line? If so, from what point of the compass did he face the camp?

Answer. We were not in line when Wilson commenced firing, but were in line soon after, and opened fire from the south or southeast.

Question. At any time during the fight was a portion of Colonel Chivington's command under the fire of another portion?

Answer. They were.

Question. State how it was.

Answer. The troops were on both banks of the creek firing across at Indians under both banks, and if they over-shot they were liable to hit our own men.

Question. Did your squadron become separated from Major Anthony's battalion during the fight? If so, how did it happen?

Answer. It did when he ordered me into the creek. I kept my squadron together, and crossed over to the opposite bank, and followed up the creek one or two miles—about two miles, I guess. I didn't see the balance of the battalion.

together till after the fight. I saw a number of Anthony's battalion, but not together.

Question. At the time of the attack, were there any white men in the Indian camp? If so, who were they?

Answer. There were: John Smith, Indian interpreter, Fort Lyon; David H. Louderback, private company G, first cavalry of Colorado, and a driver of Major Colley's; I don't think of his name. They had an ambulance; this was the driver of the ambulance.

Question. How came they there, and how did they escape?

Answer. They went out by permission of Major Anthony to do some trading with the Indians. It is a hard matter to tell how they did escape. Louderback escaped toward the command with some cloth or handkerchief on a stick. He had a white rag on a stick. I would not swear it was white, but thought it was. It was a rag or piece of cloth. I did not see how the others escaped. John Smith attempted to come to Anthony's battalion, but the fire was so hot he went back into a lodge.

Question. Did any of Colonel Chivington's command fire upon John Smith;

Answer. I think they did. I think they were fired on by Anthony's battalion and Wilson's.

Question. Did any of the Indians advance towards Colonel Chivington's command, making signs that they were friends?

Answer. I saw them advance towards the line, some of them holding their hands up.

Question. Was any demand made upon the Indians prior to the attack, and any attention paid to their signs that they were friends?

Answer. Not to my knowledge.

Question. Were the women and children shot while attempting to escape by Colonel Chivington's command?

Answer. They were.

Question. Were the women and children followed while attempting to escape, shot down and scalped, and otherwise mutilated, by any of Colonel Chivington's command?

Answer. They were.

Question. Were any efforts made by the commanding officers, Colonels Chivington, Shoup, and Major Anthony, to prevent these mutilations?

Answer. Not that I know of.

Commission adjourned until 9½ a. m. to-morrow, February 17, 1865.

EIGHTH DAY.

FEBRUARY 17, 1865—9.30 a. m.

Commission met pursuant to adjournment. Present, all members and recorder.

Journal of yesterday read, amended as follows, and approved:

Instead of reading (wherever it occurs) "Captain Silas S. Soule, veteran battalion, first Colorado cavalry, recalled by the commission," read, the examination of Captain Soule continued, &c.

The examination of Captain S. S. Soule (in presence of J. M. Chivington) continued:

By COMMISSION:

Question. Did you witness any scalping and otherwise mutilating of the dead during and after the engagement on Sand creek?

Answer. I did.

Question. Did you see any officer engage in this business of scalping and mutilating the dead?

Answer. I cannot say that I did.

n. Were any prisoners taken by Colonel Chivington's command? If was done with them?

. There were three squaws taken, son of Colonel Bent, John Smith's two children with the squaws. Smith's son was killed in camp. I's son with me. Sent him to Fort Lyon. The squaws went to Fort the time the command went back from Sand creek. There were two oners besides those—two children. They were kept by the third regi- they are now in the mountains.

n. Are you acquainted with the circumstances of Jack Smith's death?

. Not of my own knowledge.

n. On your second visit to Sand creek, did you find that the dead had ed and otherwise mutilated?

. I did.

n. All of them—men, women, and children?

. All, with the exception of Jack Smith, (old man Smith's son,) and r that was burnt in a lodge. I could not tell whether she was scalped

n. Did you discover any indications of rifle-pits or earthworks that thrown up by the Indians prior to the attack on the 29th of November?

. I didn't then see any that were thrown up by the Indians at that saw holes under the banks in the sand that I think were dug the day ht.

n. What was the object of the scout upon which you were sent with ld men?

r. To see if there was a camp of Indians on the Aubrey road about s south of the river, and to see if I could discover Indians anywhere he Arkansas river.

n. Had the Indians committed any depredations in the vicinity of n, and on the road to Larned, during the three months prior to the ovember?

r. Not to my knowledge.

n. Do you know what became of the stock and other property taken Indians on Sand creek?

r. I know some of the stock and other property taken there is in the hands s that took it; members of the third regiment and first regiment also.

n. State who has the property, and describe it?

r. I know of probably two hundred who have or had some of the prop- eir possession; nearly every man in the command had some. Lieu- toby, third regiment, had a lot of stock. He had a number of ponies in sion. Hank Lathrop, of the third. He sold one pony which he had in sion on the way up. (Sold to a citizen.) Lieutenant Hardin's wife ony given her by one of the third regiment. I think it was given by t Antoby. Lieutenant Baldwin, of the independent battery, had some m there. Captain Evans, eleventh Ohio cavalry, of Camp Collins, took s from Mason's ranch, on Cache le Poudre. Major Anthony has tro- lieutenant Cannon, of the first New Mexico volunteers, has got some othing. Major Anthony has, or had when I left there, an Indian shield, lress, and some other property of little value. I don't remember the It is hard to enumerate these things. I know of a good many soldiers property of this kind. I have taken, as provost martial, considerable ck, and turned it in to the quartermaster.

ned until 2 p. m. this day.

. m.—Commission met pursuant to adjournment. Present, all mem- recorder.

amination of Captain S. S. Soule continued.

Cross-examined by J. M. CHIVINGTON, late colonel first Colorado cavalry:

Question. In what military district was Fort Lyon, and the place where the battle of Sand creek occurred, at the time said battle took place?

Answer. District of the Upper Arkansas.

Question. State, if you know, who had command of that district?

Answer. I think the district was in command of Major B. F. Henning, third Wisconsin cavalry.

Question. Do you know whether Major Wynkoop was ordered or directed by the commander of the district of Upper Arkansas, or any superior officer, to go out upon the expedition of which you speak in your direct examination?

Answer. I do not know that he had any orders.

Question. State, if you know, whether Major Wynkoop was ordered to go out upon that expedition, or to treat with the Indians, by the governor of Colorado, or the commander of the district of Colorado?

Answer. Not to my knowledge.

Question. Did or did not the Indians manifest any hostility towards Major Wynkoop's command upon that expedition?

Answer. They did when we met them. They met us in line of battle.

Question. What acts of hostility did the Indians show towards Major Wynkoop's command?

Answer. They were in line of battle; we were the same. They asked Major Wynkoop what he came there for. They were answered that we came there to talk. They asked Major Wynkoop why we came there with soldiers and cannon, in form of battle, if Major Wynkoop's intentions were peaceable. Major told them that he came prepared to defend himself in case of any treachery. They surrounded us, and marched about two miles, encircling our flanks and rear until we got to their camp. We met them two or three miles from their camp. While we were in they were saucy. There were some cases of them putting their hands in soldiers' pockets to get tobacco.

After we were in camp they closed around us as though they meant to gobble us up, i. e., we expected an attack, until one of their chiefs, (One-Eye,) who went out with us from Fort Lyon, told the Indians that he had promised us protection, and if they fired on us, or attempted to kill us, he would join the whites and fight against them. One-Eye (and some other chiefs) made a speech to them. Black Kettle and One-Eye were the principle ones. They then left us. Black Kettle and One-Eye ordered us to leave and go a day or two's march nearer Fort Lyon, and go in camp, and wait for them to bring in the white prisoners. During the council Lieutenant Hardin, of the "first," was officer of the day. He came in to the camp and complained to the major that the Indians were crowding in on him, and he could not keep them out. I think he said they (the Indians) had possession of the cannon, and were sitting on them. Then Major Wynkoop told the chiefs in council that they must keep their men out of camp, and One-Eye and others made speeches to the Indians. The Indians then left our camp.

Question. How far from the place where the council was held did Major Wynkoop's command march towards Fort Lyon on the day after the council?

Answer. On the day of the council we marched back about eight miles. The day after the council we laid in camp, and the day after that we marched about twenty miles.

Question. At what time in the day was the council with the Indians held?

Answer. I should think it was about 10 o'clock in the forenoon. It might not have been that late.

Question. At what time did Major Wynkoop's command leave Fort Lyon, and of what troops was his command composed, and what subordinate officers were in command of such troops?

Answer. I think the fore part of September, or in September—I cannot recol-

; clearly—company D, company G, and company K, first cavalry of Colorado. I commanded D company; Lieutenant Hardin commanded company G. I don't recollect who was in command of company K. Lieutenants Phillips and Cramer were along. The officers present were Major Wynkoop, myself, and Lieutenants Hardin, Phillips, and Cramer.

Question. Were there any Indians at Fort Lyon when Major Wynkoop's expedition left there? If so, to what tribe did they belong, and give the names of whom you may know?

Answer. I think there were none at the fort except those that went with us.

Question. What Indians went with Major Wynkoop's expedition, and to what tribe did they belong?

Answer. One-Eye and his squaw, and Min-im-mie. They were Cheyennes. There was one other, a Cheyenne also.

Question. Were there any Indians at Fort Lyon other than those you have named, shortly before Major Wynkoop's expedition left there? If so, how long before that time were they there, and what was the number of them?

Answer. None at the post. We had a fight about two weeks before, near there, with fourteen Indians, supposed to be Arapahoes. The fight was about ten or fifteen miles from the post. They chased in a soldier, within a mile or two of the post. Then Lieutenant Cramer pursued them. Overtook them probably about ten miles from the post, and had a running fight with them, probably five miles.

Question. Was there an election held by the command under the laws of the Territory, while out on the expedition?

Answer. We held an election the day after the council on the Smoky Hill: it was for officers of State, &c.

Question. Did the Indians commit any acts of hostility against the whites in the vicinity of Fort Lyon prior to the time when Major Wynkoop's expedition left there?

Answer. They had. They killed two men about two miles from the post. I don't remember the exact time, but I think about two weeks before Wynkoop's expedition went out. These men were on their way from Point of Rocks to Fort Lyon, as witnesses for a military commission.

Question. Was there any whiskey, or other intoxicating beverages, used by the men or officers of Major Wynkoop's command on the day on which the council with the Indians was held?

Answer. I think there was. I saw some.

Question. State if you know whether any of the men or officers of Major Wynkoop's command were intoxicated at the time the council with the Indians was held.

(Objections to question by Lieutenant Colonel Tappan, president of the commission.

Commission was cleared for discussion.

Commission opened.

The objection sustained by the commission, on the ground that it is not pertinent to the subject-matter of this investigation. Some men in difficult situations become very much excited, and it would be unjust to accuse them of being intoxicated. The action of the officers on that occasion is a proper subject of investigation; but opinion of witnesses as to the impulses or influences under which they acted determines nothing.)

Cross-examination continued:

Question. State, if you know, whether Major Wynkoop and other officers of the expedition acted as men having full control of their reasoning faculties at the time the council with the Indians took place.

Answer. I think they all did, except Lieutenant Hardin, who was excited.

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Question. State, if you know, whether the Indians of whom you have spoken in your direct examination, in council or elsewhere, stated by what Indians the captives of whom you have spoken were captured.

Answer. They spoke of them as being captured by the Cheyennes.

Question. Did the Indians of whom you have spoken state how many white prisoners they then had in their possession?

Answer. They said they had seven.

Question. Did they or did they not promise to deliver to Major Wynkoop the white captives they then had in their possession?

Answer. They promised to give them all up as soon as they could get them. They were sold in different tribes (scattered.)

Question. State whether they did deliver all the white captives that they admitted were in their possession, and how many they delivered in accordance with their promise?

Answer. They delivered all but three; they delivered four.

Question. Did the Indians, in council or elsewhere, state when and where they had captured the white prisoners of whom you have spoken?

Answer. I don't know as the Indians did.

Question. Did the white captives state where and when they were captured and by whom? If so, what statement did they make respecting the time and place where, and Indians by whom they were captured?

Answer. They stated they were captured some time in August, on the Little Blue river, Kansas, by Cheyennes.

Question. Did or did not the Indians state that they had captured Mrs. Smith a few miles below Booneville?

Answer. I believe they did.

Commission adjourned until to-morrow morning, 9½ o'clock, February 18, 1865.

NINTH DAY.

FEBRUARY 18, 1865.

Commission met pursuant to adjournment. Present, all members and recorder.

Yesterday's proceedings read and approved.

Cross-examination of Captain Silas S. Soule by J. M. Chivington, lieutenant colonel, &c., continued:

Question. Did or did not Major Wynkoop represent to the Indians in council that any person had power to make peace with them on behalf of the government? And if so, what statement did he make?

Answer. He told them that no one but the governor had the right; that Major Wynkoop could not make peace with them.

Question. After the council with the Indians on the Smoky Hill, did they return in force to Major Wynkoop's command? If so, in what number did they return?

Answer. They did not.

Question. Who were present at the council between the Indians and the governor, at Camp Weld, near Denver?

Answer. Colonel Chivington, Major Wynkoop, myself, J. Bright Smith, Amos Steck, John Smith, Indian interpreter; I think Lieutenant Hawley, first regiment. There were a good many there; I don't remember all of them.

Question. Were the proceedings of the council at Camp Weld recorded or reduced to writing at the time such council was held; if so, by whom?

Answer. They were, I think, by Major Whitely, Indian agent of the Ute.

Question. State if you know whether orders or directions were received by Colonel Chivington from Major General Curtis, commanding department of Kansas.

at the time or before the council at Camp Weld was held, in relation to the Indians; if so, state if you know what those orders or directions were.

Q. I do not know.

Q. Did or did not the Indians in council at Camp Weld, or elsewhere, say that they had power to act for the Arapahoe and Cheyenne tribes?

A. They did, I think.

Q. After Major Wynkoop's return to Fort Lyon from the Camp Weld council, did or did not the Indians represent that they would bring in the entire Arapahoe and Cheyenne tribes to Fort Lyon?

A. They would if they could. They would bring in all who would come with the orders of Major Wynkoop.

Q. Was there anything said by Major Wynkoop to the Indians after the Camp Weld council, as to furnishing provisions to those Indians who should come and camp near Fort Lyon?

A. He furnished them provisions, but I did not hear him tell them he would furnish provisions.

Q. State as nearly as you can the quantity of provisions furnished by Major Wynkoop to the Indians.

A. He furnished prisoners' allowance for ten days—I think, for five hundred Indians.

Q. At the time these provisions were furnished, had any communication been received by Major Wynkoop in reply to that sent with Lieutenant Dennison and General Curtis?

A. There had not.

Q. State, if you know, the number of Indians that came in and camped at Fort Lyon, in obedience to Major Wynkoop's orders.

A. There were about one hundred and twenty lodges, or about six hundred Indians.

Q. When did Major Anthony assume command at Fort Lyon?

A. I don't remember the date; I should think about the first of November, 1864.

Q. Did or did not Major Anthony order or direct the Indians to remove from Fort Lyon, soon after he assumed command?

A. He directed or advised them to move out on Sand creek. He could not furnish them provisions, and wanted them to remove where they could kill for themselves.

Q. State the number of Indians encamped near Fort Lyon, at the time Major Anthony required them to deliver up their arms, and the horses and mules to the whites.

A. I should think there were about six hundred Indians.

Q. Where were Black Kettle and Bull Bear at the time Major Anthony required the Indians to deliver up their arms?

A. Out after the Cheyennes.

Q. Did Black Kettle and Bull Bear, or either of them, subsequently bring in other Indians?

A. They did.

Q. How many Indians did they bring in after that time?

A. I do not know; their camp was on Sand creek. They were not allowed to come to the post with their village.

Q. Were any steps taken by Major Anthony to secure all the arms the Indians had, other than the mere request that they should deliver them up?

A. There were steps taken to get all the arms from the band, besides the request.

Q. What steps were taken, as stated in your last answer?

Answer. He ordered me to count all the Indians in the village, and to take all arms that could be found.

Question. State if you know whether the arms received from the Indians were ever returned to them; if so, when and by whom?

Answer. They were returned by me, by Major Anthony's order, about the middle of November, 1864, I think.

Question. Did all the Indians of the Arapahoe and Cheyenne tribes come in and camp near Fort Lyon, in compliance with Major Wynkoop's order.

Answer. They did not all come in, none of the Dog* soldiers came in, I think, and not all of the fighting men of the Arapahoes; about forty or fifty, I should think, came in; they are not organized as their soldiers.

Question. Was there anything said in the council at Camp Weld about furnishing provisions to those Indians that should come in and camp near Fort Lyon?

Answer. There was something said, but I don't remember what it was.

Question. Were the squaws and children of the Arapahoe and Cheyenne warriors among those Indians that came in and camped near Fort Lyon?

Answer. I don't know; I don't think the squaws came in without their warriors did.

Question. What proportion of the Arapahoe and Cheyenne Indians, came in and camped near Fort Lyon?

Answer. I do not know; I don't know their strength; I think nearly all of the Arapahoes in that section of the country.

Question. State your means of knowledge as to the understanding between the Indians and the officers at Fort Lyon, as to the protection to be furnished said Indians.

Answer. I heard Major Wynkoop tell the chiefs that he would protect them until the messenger returned from General Curtis. Major Anthony and all the officers at the post signed a document to General Curtis, indorsing Wynkoop's action.

Question. State, if you know, whether Lieutenant Dennison, bearer of despatches from Major Wynkoop, ever returned with orders from the latter officer.

Answer. He returned after Major Wynkoop left, but I do not know whether he brought orders or not.

Question. How long after Lieutenant Dennison was sent as messenger to General Curtis, did Major Wynkoop remain in command at Fort Lyon?

Answer. I think about two weeks.

Question. By whom was Major Wynkoop relieved of the command at Fort Lyon, and by whose order was he relieved?

Answer. He was relieved by Major Anthony, by the order of General Curtis.

Question. At what time did the Indians remove from the immediate vicinity of Fort Lyon?

Answer. Shortly after Major Anthony's arrival. I should think it was a long about the middle of November.

Question. Who, if any one, was present at the conversation held by you with Colonel Chivington, when you met him with the command above Fort Lyon?

Answer. I don't remember certain who they were. There were a number present. I think some of the soldiers of my command heard the conversation.

Question. Did you converse with Colonel Chivington prior to the arrival of the command at Fort Lyon?

Answer. Yes.

Question. What statement did Colonel Chivington make to you in that conversation?

Answer. He asked me if they knew at Fort Lyon that he was coming. He asked me how far ahead the mule team was I met. He asked me if I would

* Fighting men of the Cheyenne tribe regularly organized.

ahead with him into the post. I think he asked me in regard to the Indians that had been there. I cannot remember all of the conversation.

Question. Did Colonel Chivington in that conversation state to you the object of his expedition?

Answer. He did not, I think.

Question. State, if you know, whether any officer at Fort Lyon objected to joining Colonel Chivington's command; and if so, to whom such objection was made.

Answer. Objection was made to Major Anthony by officers at the post. I think objections were made at the post to Colonel Chivington, also by officers, and to several officers belonging to the expedition under Chivington.

Question. What are your means of knowledge respecting objections having been made to Colonel Chivington personally?

Answer. Lieutenant Cramer and some one else told me that day that they objected to Colonel Chivington personally, and I was warned by Major Anthony, Lieutenant Cramer, and some others not to go to the camp where Colonel Chivington was; that he had made threats against me for language I had used that day against Colonel Chivington's command going out to kill those Indians on Sand creek.

Question. To whom did you deliver the note which you addressed to Colonel Chivington, for the purpose of being delivered to the latter? and state if you know that note was delivered to Colonel Chivington.

Answer. I delivered the note to Captain Talbert, third regiment, and Colonel Chivington came into camp, and Talbert returned the note to me. I think Colonel Chivington knew the contents, although I did not deliver it.

Question. By whom was the plan of attack on the Indian village at Sand creek arranged or directed?

Answer. By Colonel Chivington, I think.

Question. By whom were you ordered to move up Sand creek after the battle began?

Answer. By Major Anthony.

Question. After you crossed Sand creek, did you or did you not return to your superior officer for further orders? and did you receive any further or other orders during the progress of the fight?

Answer. I met Major Anthony about 12 o'clock, and asked what I should do with my company. He told me to put them on guard over some wounded men and property belonging to our men and officers.

Commission adjourned at 1 p. m. to meet again Monday morning, February 20, 1865, at 9½ o'clock.

TENTH DAY.

FEBRUARY 20, 1865.

Commission met pursuant to adjournment. Present, all members and recorder.

Proceedings of Saturday last read and approved.

Cross-examination of Captain Silas S. Soule continued:

Question. Did you receive any orders other than those you have mentioned, during the fight at Sand creek?

Answer. Not that I remember.

Question. Did the squadron or company under your command remain together in rank and under your supervision during the fight?

Answer. They did.

Question. State, if you know, whether Colonel Chivington or any officer at the battle of Sand creek ordered the men to disperse and conduct the fight.

without regard to order, or gave any order to the effect that the men should fight singly.

Answer. Not that I know of.

Question. State, if you know, whether any company, battalion, squadron or other military organization engaged in the battle of Sand creek, remained in and conducted the battle as a military organization during the progress of the battle.

Answer. Not to my knowledge, except what I took to be a squadron about three miles to the northwest of the Indian village.

Question. After the battle began, did the officers retain control of the battle under their command?

Answer. I think not.

Question. What was the extent or area of the battle-ground where the battle of Sand creek was fought?

Answer. I should think about four or five miles up the creek, and one or two miles on each side.

Question. Were all the forces under the command of Colonel Chivington engaged in the battle?

Answer. I do not know.

Question. What part of the battle-field did you occupy during the battle?

Answer. I commenced at the lower end of the battle-ground, crossed the creek south, moved up the creek about two miles, crossed it to the north, and then down the creek again to the village where the battle commenced.

Question. What forces were upon the northeastern bank of the creek when you were there?

Answer. Men of the first and third mixed together.

Question. What was the number of soldiers upon the northeastern bank of the creek when you were there?

Answer. I should think about four hundred.

Question. How long did you remain upon the northeastern bank of the creek?

Answer. Three or four hours.

Question. What time in the day did you cross from the northeastern to the southwestern bank of the creek?

Answer. Early in the morning at the commencement of the fight, and remained on the southwestern side till nearly noon.

Question. What time in the day did you cross from the southwestern to the northeastern bank of the creek?

Answer. Nearly noon; probably between 11 and 12 o'clock.

Question. Was the battle still progressing when you crossed, as stated in your last answer?

Answer. It was both above and below me.

Question. Did you see Colonel Chivington or communicate with him after the battle began, and before the close thereof?

Answer. I did. I saw him (Colonel Chivington) during the progress of the battle, before the battle closed and communicated with him.

Question. What was that communication, and in what time in the day did it take place?

Answer. It was about two o'clock. I asked him if I could send Colonel Bent's son Charles, who was taken prisoner with Jack Smith, to his home. Colonel Chivington said that his (Bent's) brother Robert did not care about having Charles taken back, and the colonel told me he guessed I better not take or send him back; and then, again, he said he had no objections.

Question. Did you see Major Anthony or communicate with him after the battle began and before the close thereof?

Answer. I did.

Question. What were those communications, and at what time in the day were they respectively made?

Answer. I think about twelve or one o'clock. I asked him what I should do with my command. He told me to put them on guard over some wounded men and baggage. I received orders I should think between two and three o'clock get my command ready to go back that night with him to escort a supply train.

Question. Was the battle still progressing when you received the order from Major Anthony, about one o'clock in the day?

Answer. It was. The battle was still progressing when I received the last order.

Question. What time did you leave the battle-field?

Answer. I should think between two and three o'clock p. m.

Question. State if you know whether any of the Indians escaped from the battle-field on the day of the battle.

Answer. I know I saw some escape.

Question. If you know, state whether orders were given by any officer at the battle of Sand creek, or prior thereto, to the effect that Indians killed should be scalped or mutilated.

Answer. Not that I know of.

Question. Do you state that Indian children were scalped or mutilated by soldiers at the battle of Sand creek?

Answer. They were scalped I know; I saw holes in them, and some with their skulls knocked in, but cannot say how they were mutilated.

Question. Did you see any soldiers in the act of scalping or mutilating Indian children?

Answer. I think not. I saw soldiers with children's scalps during the day, but did not see them cut them off.

Question. To what company, regiment, or military organization did the soldiers mentioned in your last answer belong?

Answer. They belonged to Colonel Chivington's command.

Commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

Cross-examination of Captain Silas S. Soule continued:

Question. How many soldiers did you see with the scalps of Indian children?

Answer. I could not tell for certain.

Question. How high were the banks of Sand creek at the place where the battle occurred?

Answer. All the way from two to fifteen and twenty feet.

Question. Where was the Indian camp with reference to Sand creek—in the bend of the creek or on the banks thereof?

Answer. On the banks.

Question. On which bank of the creek was the Indian camp located?

Answer. On the northern banks.

Question. How high were the banks of the creek at the place where the camp was located?

Answer. The bank I should say was from two to five feet high.

Question. State if you know whether Colonel Chivington ordered portions of his command to occupy each bank of the creek.

Answer. I do not know. I know that the regimental color-bearer of the third, with the flag, was on the south side of the creek.

Question. How long after the battle began was it that the soldiers arranged themselves on each bank of the creek, so that those upon one bank were under the fire of those on the opposite bank?

Answer. Immediately after the battle opened—before I got across with my company.

Question. Do you know whether the soldiers who occupied the banks of the creek, in the manner stated in the last question, assumed those positions in obedience to the command of any officer?

Answer. I do not.

Question. Did they assume those positions in rank and by companies, or battalions, or in a disorderly manner?

Answer. In a disorderly manner.

Question. Did they not assume those positions for the purpose of driving the Indians from under the banks of the creek?

Answer. I suppose they assumed those positions to kill the Indians under the banks of the creek. They were not much on the drive.

Question. Were the positions of the soldiers upon the banks of the creek such that shots fired by those upon one bank at the Indians under the opposite bank would take effect upon the soldiers upon the opposite bank?

Answer. They were very apt to if they fired too high.

Question. Did you discover any Indians when you went upon the scout, immediately after the battle?

Answer. I did, what I supposed to be Indians.

Question. Where did you discover those Indians?

Answer. I discovered signal fires about forty miles south of the Arkansas, and about east of those, within about ten miles of the river, I came across what I supposed to be a village of Indians, in the vicinity of the signal fires to the east about eight or ten miles from the river.

Question. How near did you approach to the village mentioned in your last answer?

Answer. In less than a quarter of a mile.

Question. What reasons had you for supposing that it was an Indian village?

Answer. Their camp-fires were burning. The dogs barked at us. I heard the voices of Indians, and thought I saw Indians walking by the fire.

Question. What was the number of lodges in the village?

Answer. I could not tell; it was in the night. I did not think, from the appearance of the fires, that their lodges were up.

Question. How long before the battle of Sand creek did the Indians remove from Fort Lyon?

Answer. I don't exactly remember; about two weeks.

Question. How long did the conversation between yourself and Colonel Chivington, when you met him with the command above Fort Lyon, continue?

Answer. Not long; a very few minutes.

Question. Did Colonel Chivington halt and remain with you while the conversation was being carried on?

Answer. He halted a moment. I rode on a little piece with him in the direction of Fort Lyon.

Question. How far above Fort Lyon is the place where this conversation took place?

Answer. About ten or twelve miles, at the head of the Big Bottom, near the watering place.

Question. State your means of knowledge as to permission being granted by Major Anthony to the persons who were in the Indian camp at Sand creek to go to that place.

Answer. The persons themselves told me the day before that they had permission. I also heard Major Anthony speak of these men having gone to the Indian camp.

Question. Give the names of the persons to whom such permission was granted by Major Anthony.

answer. John Smith, Indian interpreter, David L. Louderback, company G, cavalry of Colorado, and teamster—I do not recollect his name.

question. State if you know whether the authority given them by Major Anthony was verbal or in writing.

answer. I do not know.

question. If you know, state how long the persons last named by you had been in the Indian camp.

answer. I think two days. They started, I think, the day Major Wynkoop left for the States.

question. If you know, state what articles those persons were authorized to trade in, in trading with the Indians.

answer. I don't know.

question. Do you state that any portion of Colonel Chivington's command was given to John Smith; and if they did so, was such firing done by command of any officer?

answer. I think not. Firing was done, but not by orders of any officer. I heard Lieutenant Cramer sing out that it was John Smith, and tell him to come with company K.

question. Did you hear any plans suggested by officers at Fort Lyon after the battle of Sand creek for prosecuting Colonel Chivington for the part he had taken in the battle?

answer. I don't know that I heard any plan of prosecution. They all denounced him there.

question. Did you hear any of the officers at Fort Lyon say that they would prosecute Colonel Chivington for the part he had taken in the battle of Sand creek?

answer. I don't know that I heard them say they would do it. I heard them say that he ought to be prosecuted, and that, when the facts got to Washington, he was liable to be, or words to that effect.

question. Who were the officers who made these declarations?

answer. It was the general talk among the officers at the post. I think I heard Major Anthony say so, and Lieutenant Baldwin, Lieutenant Cramer, Lieutenants Cannon and Minton, and Captain Hill. I don't remember all. Lieutenant Colonel Tappan, too, I think.

question. Do you know whether Major Anthony made any statements to Colonel Chivington respecting the propriety of attacking the Indians on Sand creek after Colonel Chivington's command arrived at Fort Lyon, and before the battle of Sand creek?

answer. I did not hear him make any.

question. Do you know whether Major Anthony made any statements to any persons as to the propriety of attacking the Indians on Sand creek after Colonel Chivington's command arrived at Fort Lyon and before the battle of Sand creek? If so, state if you know what those statements were.

answer. I talked to Anthony about it, and he said that some of those Indians ought to be killed; that he had been only waiting for a good chance to charge into them. I reminded him of the pledges he had made them, and he said that Colonel Chivington had told him that those Indians he had pledged his soldiers and white men in the camp should not be killed; that the object of the expedition was to go out the Smoky Hill and follow the Indians up. Anthony told me that I would not compromise myself by going out, as I was ordered to go.

question. Did or did not Major Anthony seek to convince you that the Indians at Sand creek should be attacked?

answer. He tried to convince me that a good many of them should be killed, some of them saved, and among them he mentioned Black Kettle, One-Eye, White Antelope, Left-Hand, and some others, that should not be killed.

Question. Who accompanied you on the scout south of the Arkansas river? What troops were in your command on that expedition?

Answer. Between twenty and thirty soldiers from K and D, first regiment. There was a Dutch Jew by the name of Meyer accompanied me.

Question. What subordinate officers were in your command on that occasion?

Answer. I had none.

Question. How far south of the Arkansas river did you proceed on that occasion?

Answer. About thirty miles.

Cross-examination closed.

Commission adjourned until 9½ a. m. to-morrow, February 21.

ELEVENTH DAY.

FEBRUARY 21, 1865.

Commission met pursuant to adjournment. Present, all members and recorder.

Proceedings of yesterday read and approved, with the following amendments:

Page 87, 3d line, in 3d answer, amended so as to read "thirty miles east, &c."

Page 91, 4th line, 3d answer, amended so as to read "and teamsters who drove Major Colley's ambulance."

Page 94, 18th line, in first answer, amended so as to read "Anthony told me this to induce me to go out, as I was opposed, &c."

Re-examination of Captain Silas S. Soule, veteran battalion first Colorado cavalry, by the commission.

By COMMISSION:

Question. In what direction was Major Wynkoop marching with his command when he came upon the Indians on the Smoky Hill?

Answer. In a northeasterly direction.

Question. After meeting the Indians in what direction did he continue his march to reach their camp?

Answer. About the same direction—a little more to the east.

Question. While marching with the Indians on your flanks and rear did they make any hostile demonstrations?

Answer. They kept up a howl. I asked one of our party what it meant by such howling, and he said they were singing for grub. A good many had bows strung and arrows in their hands; some of them had guns. I think they fired two or three shots at a dog in our command, and at a hawk.

Question. Did the Indians request, advise, or order Major Wynkoop to move two days' march nearer Fort Lyon?

Answer. They advised him to go nearer the fort, for the reason, I think, that there were thirteen hundred lodges of Sioux within about thirty miles of us.

Question. While Major Wynkoop was in council with the Indians on Smoky Hill did the Indians get the advantage by surrounding the camp?

Answer. They got into the camp while we were in council. The officer of the day seemed to be alarmed, and came to the council and told Major Wynkoop that he could not keep them out of camp.

Question. Was Lieutenant Hardin instructed not to permit the Indians to come in and about the camp?

Answer. He was.

Question. Was it Lieutenant Hardin's fault that the Indians got into the camp?

Answer. It was; if he had obeyed his orders they would not have got in without a fight.

Question. Was it the personal influence, appeals, and efforts of Black Kettle, White Antelope, One-Eye, and other Indians that prevented an attack upon Wynkoop's command?

Answer. It think it was Black Kettle, One-Eye, and other chiefs. I am not sure about White Antelope.

Question. Was it these same Indians who afterwards, while in camp on Sand Creek, were attacked by Colonel Chivington's command and some of them killed?

Answer. It was.

Question. At the time Major Wynkoop went to the Smoky Hill was he in command of the post and troops at Fort Lyon?

Answer. He was.

Question. When the Indians drove the soldier into the post did they fire on him?

Answer. They did not.

Question. Did you hear some of the chiefs say in council at Camp Weld or Denver that the Indians who pursued the soldier threw down their arms and were trying to overtake him in order to send by him a friendly message into Fort Lyon?

Answer. They told us in council at Smoky Hill that they were trying to get letters to the commanding officer at Fort Lyon.

Question. What did Black Kettle and White Antelope say had been done with the three prisoners whom they had failed to deliver Major Wynkoop?

Answer. They had been sold or traded out of their village to some other tribe village.

Question. While in council at Camp Weld or Denver did Major Whiteley record all that was said by parties in council?

Answer. I do not know.

Question. Were the Indians permitted to make statements of what they had suffered by the depredations of the whites in that council?

Answer. I think not. There were other questions put to them while they were telling of the outrages that had been committed upon them, or words to that effect. They were led from the subject by other questions.

Question. When Major Anthony ordered the Indians to surrender themselves and give up their arms, did he do it to completely disarm them, or merely to give them an opportunity to acknowledge their submission to the government—make manifest their compliance with the demands of Major Wynkoop and their desire for peace?

(J. M. Chivington respectfully objects to the question for the reason that it is leading, suggesting to the witness the answer which the commission seeks to elicit. Objection sustained by the commission.)

Question. Did Major Anthony completely disarm the Indians at Fort Lyon?

Answer. He did.

Question. Did he refuse to issue them rations until they had surrendered their arms?

Answer. I believe he did.

Question. Did he afterwards return arms he had taken from these Indians?

Answer. He did.

Question. Did Majors Wynkoop and Anthony tell the Indians that no advantage should be taken of their submission to the military authorities if General Curtis should not approve what they, Wynkoop and Anthony, had done respecting them?

Answer. I think they did.

Question. How near Fort Lyon were the citizens murdered by Indians?

Answer. About sixteen or eighteen miles.

Question. Was it known at Fort Lyon at the time, or afterwards, what Indians murdered these men?

Answer. Afterwards.

Question. Did War Bonnet, one of the chiefs of the Cheyennes, come into Fort Lyon a few days before the attack on Black Kettle's camp and request

Major Anthony that the interpreter, John Smith, be permitted to go out to Sand creek and trade with them?

Answer. War Bonnet came in, but I don't know what was said.

Question. What field officers were present at the fight on Sand creek?

Answer. Colonel Chivington, Colonel Shoup, Lieutenant Colonel Bowen, Major Anthony, Major Downing, Major Sayer.

Question. Did either or any of them attempt to rally their men, and relieve them from being shot by each other.

Answer. Major Downing advised, or told, me to move my command out of fire of the men on the opposite bank.

Question. Did any of these officers appear to exercise a general supervision of the command and control it during the attack on Black Kettle's camp?

Answer. I could not tell. I don't think they did.

Question. Did you hear Colonel Chivington, either prior to or during the attack on the Indian camp, make any remarks or give any orders to the command? If so, what were they?

Answer. I don't remember.

Question. Did you hear any officer converse with Colonel Chivington in reference to the disposal of Charles Bent or other prisoners?

Answer. I heard Lieutenant Dunn ask Colonel Chivington if he had any objections to having Jack Smith killed. Colonel Chivington said that he need not ask him about it; he knew how he (Chivington) felt about it, or words to that effect.

Question. Did you join Colonel Chivington's command with the understanding that all Indians to whom pledges of protection had been given should not be molested?

Answer. I think I did. I believed until after the firing commenced that we would not attack the village.

Commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

Re-examination of Captain S. S. Soule continued.

By J. M. CHIVINGTON:

Question. You state that Jack Smith was killed after he was taken prisoner. Do you know how he was killed, and by whom, and at what time, and where he was killed?

Answer. I saw the body of Jack Smith, when I was out to the battle-ground last December, lying in the place of, or near, the lodge where I saw him before I left the field the day of the battle, and I think Lieutenant Dunn acknowledged that a man of his company, E, shot Jack Smith. All I know is from hearsay, except seeing the dead body.

Question. What means were adopted to prevent the Indians from detailing what they suffered at the hands of the whites at the Camp Weld council?

Answer. By questions on other subjects.

Question. What are your means of knowledge as to Majors Wynkoop and Anthony having told the Indians at Fort Lyon that no advantage should be taken of them if General Curtis should not approve the action of those officers?

Answer. I heard Wynkoop tell some of the chiefs, I think Black Kettle or Left-Hand, that—in case he got word from Curtis not to make peace with them, that he would let them know, so that they could remove out of the way and get to their tribe; then he should fight them if he had orders to, or words to that effect.

Question. Did you hear Major Anthony make any statements to the Indians similar to that mentioned in your last answer?

Answer. I don't think I heard him make the statement to the Indians, but (Anthony) indorsed Wynkoop's course.

Question. Who propounded questions on the part of the whites at the Camp council?

Answer. Mostly by Governor Evans. I think Colonel Chivington and others propounded questions.

Question. What questions did Colonel Chivington propound?

Answer. I think he asked them who killed some white people on the Platte.

Question. Did Colonel Chivington ask any other questions than that mentioned in your last answer? If so, what were they?

Answer. I don't remember. He had but little to say during the council.

By COMMISSION :

Question. When you last saw Jack Smith on the day of the fight, was he alive and a prisoner in Colonel Chivington's camp?

Answer. He was alive and in a lodge with soldiers—in and about the lodge. I don't know that he was under guard.

Examination of Captain Silas S. Soule closed.

Commission adjourned until 9½ a. m. to-morrow, February 22, 1865.

TWELFTH DAY.

FEBRUARY 22, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of yesterday read and approved, with the following amendments: Page 103, beginning of third answer, to read "except Major Downing," &c. Commission adjourned until 9½ a. m. to-morrow, February 23, 1865.

THIRTEENTH DAY.

FEBRUARY 23, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Yesterday's proceedings read and approved.

Lieutenant JOSEPH A. CRAMER, veteran battalion first Colorado cavalry, called on to give evidence by the commission, having been duly sworn according to law, in presence of J. M. Chivington, testified as follows :

By COMMISSION :

Question. What is your full name, age, and rank in the army?

Answer. Joseph A. Cramer; 29 years old; second lieutenant company D veteran battalion first Colorado cavalry.

Question. How long have you been in the public service as an officer?

Answer. A year and nearly four months.

Question. Did you accompany Major Wynkoop to meet the Indians in council, on the Smoky Hill, last August or September?

Answer. I did, in September, 1864.

Question. State the object of the expedition, and what was done in council with the Indians.

Answer. The object of the expedition, as stated by Major Wynkoop, was for the recovery of some white prisoners held by the Indians. Seven, I think, was the number stated by the Indians—to be recovered by peaceable means if possible, and forcible means if necessary. The council was composed of the principal chiefs, on the part of the Indians, being Black Kettle, Big or White Wolf; I think Bull Bear, Left-Hand or Nor-wan-che, Little Raven, Neva, White Antelope, Big Mouth, were there, and other Indians. When the council was called, Major Wynkoop stated his object: that, on receiving the letter written by George Bent, and brought to the fort by One-Eye and Min-im-mie, and from conversation held with One-Eye and Min-im-mie at Fort Lyon he thought that

they (the Indians) were acting in good faith, and that he had come out there with his men to have a talk with them, to see if an understanding could be brought about between them and the whites, or their white brethren, or something of that kind. I think that the Indians said if he had come to talk peace to them why had he brought his men and guns, or words to that effect. Major Wynkoop's reply was that, relying on the words of the chief, he had come with but few men, but knowing that there were some bad Indians among them had brought sufficient number to fight them if they did not act in good faith but he hoped they could understand each other so that they would have no trouble, and he could take the white prisoners to Fort Lyon and return them to their homes. I think, at that time, he told the chiefs that he would listen to them. I think Bull Bear (Cheyenne) spoke first. He stated that he had tried to live in good faith with the whites, and a party of soldiers had come out in their country, on the Smoky Hill, and had killed his brother; his name, I think, was Sitting Bear; that before his brother was killed he went to the whites and told them not to fire on his young men, as they did not wish to fight the whites, but wanted to live in peace with them; and that while so talking he was killed by the soldiers. He wound up his remarks by saying that he thought the Indians were not to blame. Left Hand, (Arapahoe chief,) when he spoke said that he had always been friendly with the whites, and had no difficulty with them until the present season. He spoke of the trouble or difficulty between him and the commanding officer of Fort Larned—the date I have forgotten; that at the time, the Kiowas and Comanches run off the stock at Fort Larned; that he had first sent word in to the commander that he wished to take his tribe and recover, or help to recover, the stock; that he afterwards tried to get into the fort himself for the purpose of making the same proposals, carrying at the time a white flag, and upon approaching the fort he was fired upon and could not get in, and had to run, or words to that effect. Soon after this occurrence at Fort Larned, some of his young men had joined in with the Dog soldiers, (a renegade band of the Cheyennes,) or the Kiowas, and had been out scouting or war parties, and at that time he had done all he could to prevent their doing so, and thought and said that an understanding could be brought about with the whites, and that he did not wish to fight them, if he could get word to Major Colley, Indian agent, that he could bring about a big peace, but was unable to restrain a few of his young braves; that he had repeatedly tried to get a message to Major Colley, or the forts, but had not been able to do so; that his men had been fired on while approaching the forts. At the time Bull Bear was speaking, he said that he thought the whites were foxes, and a peace could be brought about with them, and that the only way the Indians could do was to fight; that was the substance of it. I think Little Raven (Arapahoe chief) spoke next; spoke but little, and indorsing what had been said by Bull Bear. He stated in his remarks that he had lived several years among the whites; that he had always lived friendly with them, and that he had always loved the whites and would like to shake hands with them, (their term of friendship was shaking hands,) but was afraid that no peace could be brought about or words to that effect. That is all I recollect at present in regard to what he said. I think I have stated the times in which the chiefs spoke wrong. I think One-Eye (Cheyenne chief) spoke immediately after Bull Bear. One-Eye stated that he had been sent into Fort Lyon with a letter, written by the chiefs, at the risk of his life, but that he was willing to run such risk if, by so doing, he could bring about a peace or an understanding with the whites; that on his starting for Fort Lyon he had supposed that the chiefs were acting in good faith and that they would do as they had agreed, and believing that the Cheyennes did not lie, that he had offered himself to Major Wynkoop as a pledge of their good faith, so that if the Indians did not act in good faith his life should be forfeited, as he did not wish to live when Cheyennes broke their word; that he

was ashamed to hear such talk in the council as that uttered by Bull Bear. He then appealed to the other chiefs to know if they would act like men and fulfil or live up to their word; that he had been sent by them to Fort Lyon and had taken their message to Major Wynkoop, (or their tall chief,) and that he believing them to be honest had come from Fort Lyon to talk with them; that he had pledged Major Wynkoop his word and his life, and the word of his, or their big chief, (I suppose referring to Black Kettle,) and that he should stand by his word, (or fulfil his word,) and that if the chiefs did not act in good faith he should go with the whites and fight with them, and that he had a great many friends who would follow him; that he was ashamed of their council to hear chiefs get up and make a fuss about a few horses, or ponies and mules, or words to that effect, and that he was willing to divide with them or give them the best stock that he had if they would say no more in council. This is all I remember except, I think, Bull Bear accepted his proposition and took two of the best horses he had in his herd, and had no more to say. Black Kettle (principal chief of the Cheyennes) next spoke; stated that he had sent One-Eye and Min-im-mie into Fort Lyon; had authorized the letter to be written, and was glad that it resulted as it had in bringing Major Wynkoop out; that he was glad to hear his brother chief speak as he had; he was glad to know that Cheyennes fulfilled their word, and that if Major Wynkoop did as he (Wynkoop) proposed, he, with his friends, would go with us. These remarks were in reference to what One-Eye had said. The most of the remarks which followed were in reply to Major Wynkoop at the opening of the council, which were as follows: Major Wynkoop told them that he had come for peace and not for war that if they would give up their prisoners it would be an evidence in their favor in the eye of their Great Father at Denver and Washington; that if they would give up their prisoners and go with him he would take them to Denver, to have a talk with the Great Father in Denver, and he had no doubt but what peace would be made, and that he would return them in safety to their tribes; that he was not great enough chief himself to make any treaty with them that would be binding, but that he would pledge them his word that they should be protected on their way to Denver and return, and that he wished their principal chiefs to go with him and that they should take their families into Fort Lyon and leave them there until their return from Denver in compliance with the governor's proclamation. He then read them the proclamation. He stated that he knew nothing about the whites holding any prisoners spoken of in the letter, and that if the authorities at Denver held any he could make no pledges to give them up; that he was acting upon his own responsibility and would pledge them nothing but what he knew he could fulfil; that chiefs bigger than he would have to decide that matter in Denver—that, is in relation to giving up the Indian prisoners; that what he had told them they could rely upon; that his life was a pledge for his words, and that the officers and the men who were with him would sustain him. He then asked each officer in the council if he indorsed what had been said and the pledges that had been made, all replying that they did. The officers present were Captain S. S. Soule, Lieutenant Charles Phillips, Interpreter John Smith, and myself. I don't recollect any more that Wynkoop said at the opening of the council. Black Kettle, in his reply, said he was glad to hear his white brother talk; that he believed he was honest in what he said, and that he welcomed us as friends; that he believed that their troubles were over if they would follow the advice of the tall chief, meaning Major Wynkoop; that there were bad white men and bad Indians, and that the bad men on both sides had brought about this trouble; that some of his young men had joined in with them; that he was opposed to fighting and had done everything in his power to prevent it; that he believed that the blame rested with the whites; that they had commenced the war and forced the Indians to fight. He then gave an account of the first difficulties that occurred last winter.

or spring. At first a good deal of stock was stolen from the Indians by the whites, over on or out near the Platte country. Previous to the fight with the soldiers in the vicinity of the Platte, (by description supposed to be the command of Lieutenant Dunn,) that they were travelling from the Smoky Hill country and found some loose stock, I think, on the Beaver or Box Elder, and took it with them to leave at Geary's ranch, and on arriving there found no one at home and took the stock with them. Soon after this they were overtaken by a party of soldiers who appeared to be friendly, but demanded the stock which they had in their possession——

Commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

Examination of Second Lieutenant Joseph A. Cramer, veteran battalion first Colorado cavalry continued.

By the COMMISSION :

——which they were willing to give up, and offered to do so with the exception of one horse or mule, which they stated to the chief of the soldiers one of the Indians had off on a hunt and would be back in a day or two, and as soon as he returned, the mule or horse should be given up. The chief of the soldiers still demanded the mule or horse, at the same time taking from the Indians their arms, which the Indians supposed were merely to look at. One of the Indians refused to let him take his arms, when he undertook to take them by force. I am not positive that the Indians fired first, but my impression is that he said the Indians fired first after the attempt to take the arms by force. I think that the Indians stated that there were three killed or wounded. The Indians then went to the Cedar Bluffs immediately after this occurrence. Soon after they were attacked by another party of soldiers. Before the attack and while in camp at or near Cedar Bluffs, one of their herders, a boy, was killed, and another captured—I do not know whether it was a boy or not—and a number of their herd of stock; I think he said near a hundred head. It may have been more or less; but my impression is that it was about a hundred. The Indians then became convinced the whites were going to make war on them and prepared to go to the Arkansas valley; had left a good deal of their property; had rolled up what they could and hid them in the rocks, and while preparing to start were attacked by a party of soldiers, killing one. I do not recollect that he said any were wounded or not; that he thought the soldiers were firing on the buffalo-robes in the rocks, and not at the Indians; that they immediately after started for the Arkansas valley, or words to that effect. I think he also stated that he was near the Indians at the time of the fight with the soldiers on the Smoky Hill, or but a few days afterwards; that he had prevented them from fighting the whites, as were their intentions; then told them, could they but see the Indian agent at Fort Lyon it would be made all right; and he kept most of these Indians with him until his arrival at or near Fort Larned; then they were misused by the commander of the post. They often tried to warn the garrison that the Kiowas intended to attack the post and run off the herd; that Min-im-mie, one of their chiefs, had warned the commander of the post and settlers below the post that on a certain day, naming the day also, the Kiowas would attack them and take their herds. Still the commanding officer would not believe them and still mistrusted them. Some of the young men of the Cheyenne tribe, thinking that no understanding could be brought about between them and the whites, had joined in with the Kiowas, and on the day named by Min-im-mie helped take the stock; after this he and Left-Hand both tried to have a talk with the commander of the post and were fired on in attempting to get into the post. Left-Hand had sent in word that he with his band of warriors would go

h the soldiers or go alone to recover the stock, and heard nothing from the remainder of the post, and then attempted to get in himself with a white flag. When he was fired upon. He then started up the river with most of his tribe. One of his young men, whom he could no longer restrain, started out in war parties and committed some depredations. He, with his main band, kept away from them, refusing to fight the whites, still believing that the difficulty could be settled upon hearing the proclamation of the big chief at Denver. He had made every effort to comply with it; that he thought the big chief at Denver was acting in good faith; that he had repeatedly attempted to communicate with the chief of the soldiers at Lyon and at Larned, but had been unable to accomplish it or to have any talk; that the men he had sent in had been fired upon, and that he had taken his tribe back to the Smoky Hill, and had there camped for the purpose of hunting; that after arriving there he had sent Neva, (an Arapahoe sub-chief,) and fourteen others, who were well known at or near Fort Lyon, for the purpose of getting word to the commander of the post that they did not wish to fight; that they never had, nor would not unless attacked; that Neva succeeded in getting within a mile or so of the post, and close enough to a soldier to halloo to him and show him a letter he had for Major Colley, Indian agent. The soldier ran into the post, and soon afterwards a party of soldiers came out and run them for twenty or twenty-five miles before overtaking them, and upon overtaking them firing on them and doing no damage. That night the Indians came back, during a severe rain-storm, for the purpose of fighting us, and Neva would not let them do it. Neva thought he could kill us all, but did not wish to fight, as he was sent out on a peace mission. As soon as they returned to the Smoky Hill he (Black Kettle) made every effort to get these war parties to come in, and succeeded in getting them all but two or three small parties. He then sent in One Eye and Min-im-mie with the letter to Major Wynkoop, also one to Colonel Bent, and that they had succeeded in getting into the fort, and that he was glad that Major Wynkoop had trusted them and came out to have a talk with them; that they were willing to do all and more than he had asked of them; that they would go with him to Denver and trust to his word, and that they would make all reparation in their power in order that a good peace might be established, so that they and the whites might be brothers; that they would give up what prisoners they had and try and get them all, most of which were with the Sioux, if the major would give them time, which he (Wynkoop) agreed to do, he giving them three or four days in which to accomplish their object. Black Kettle stated that he would be back at the required time if possible; and if he could not, and the major had gone on to the fort, he would bring them in to Fort Lyon himself. He stated also that he would have to buy part of these prisoners from the Sioux, and that he might have difficulty in procuring them, and he (Black Kettle) could make no pledges. Black Kettle also stated that the Sioux did not wish the Cheyennes to make any treaty with the whites in which they (the Sioux) were not included.

I think that immediately after this speech most of the chiefs expressed their dissatisfaction in regard to what he had said, and agreed to be guided by his action. The arrangements were then perfected for going to Denver, provided the Indians complied with what Major Wynkoop demanded.

Question. What chief appeared to have the most influence in the council with Major Wynkoop?

Answer. Black Kettle and One-Eye.

Question. Did the chiefs in council with Major Wynkoop on the Smoky Hill, if they could, in behalf of the tribes they represented, (Cheyennes and Arapahoes,) make a treaty with the whites?

Answer. They did; and that the action would be bound by Black Kettle.

Question. Did Black Kettle and other chiefs advise Major Wynkoop to move

with his command, two days' march nearer Fort Lyon? If so, what reasons did they give for such advice?

Answer. As I understood it, they advised him to move about a half a day's march—twelve or fourteen miles—while the arrangements were being made; and at the last of the council I was absent from the council, and in camp, and could not state what passed. I am of the impression that after the council Black Kettle advised him to move his command to where there was wood and water, to avoid any difficulty which might occur with his young braves.

Commission adjourned until 9½ a. m. to-morrow, February 24, 1865.

FOURTEENTH DAY.

FEBRUARY 24, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of yesterday read and approved with the following amendments: On page 122, 18th line, the word mistrusted to read misused.

The witness, J. A. Cramer, stated that he was unwell, and unable to attend the session of the commission, and asked to be excused. He was excused by the commission.

Adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment: Present, all members and recorder.

The witness, Lieutenant Joseph Cramer, being too unwell to attend the commission to give his evidence, his further examination is postponed for the present.

First Lieutenant C. C. HAWLEY veteran battalion, first Colorado cavalry, called in by commission to give evidence, being duly sworn according to law, in presence of J. M. Chivington, testified as follows:

Question. Your full name, age, and rank in the army?

Answer. Charles C. Hawley; aged 25 years; first lieutenant veteran battalion, first Colorado cavalry, and acting ordnance officer district of Colorado.

Question. How long have you been ordnance officer of the district?

Answer. About seventeen months.

Question. Were you on duty in the district as ordnance officer at the time of and after the organization of the third regiment Colorado cavalry.

Answer. Yes.

Question. For how long a time was that regiment raised, and how long was it in the service?

Answer. I could not tell how long it was in the service. It was raised for a hundred days.

Question. Did you furnish the third regiment with arms and other ordnance stores?

Answer. Yes.

Question. State the number, kind, and quality of the ordnance stores issued to the regiment.

Answer:

772 (seven hundred and seventy-two) rifles; calibre, 54.

224 (two hundred and twenty-four) muskets; calibre, 69.

16 (sixteen) muskets; calibre, 71.

1,012 (one thousand and twelve) cartridge boxes, infantry.

1,105 (one thousand one hundred and five) cap pouches and picks.

1,019 (one thousand and nineteen) waist-belts and plates.

633 (six hundred and thirty-three) gun-slings.

620 (six hundred and twenty) cartridge-box belts.

650 (six hundred and fifty) screw-drivers and cone wrenches.
 28 (twenty-eight) Sharp's carbines.
 58 (fifty-eight) Starr's carbines.
 29 (twenty-nine) Starr's revolvers.
 2 (two) Colt's army revolvers.
 72 (seventy-two) Whitney revolvers.
 82 (eighty-two) carbine slings and swivels.
 63 (sixty-three) carbine cartridge boxes.
 39 (thirty-nine) brush wipers with thongs.
 107 (one hundred and seven) pistol-belt holsters.
 71 (seventy-one) pistol cartridge pouches.
 5 (five) Colt's repeating rifles.
 7 (seven) cavalry sabres.
 122 (one hundred and twenty-two) sabre-belts and plates.
 527 (five hundred and twenty-seven) saddles complete, (pattern of 1859.)
 527 (five hundred and twenty-seven) curb-bridles.
 376 (three hundred and seventy-six) watering bridles.
 500 (five hundred) halters and straps.
 624 (six hundred and twenty-four) saddle blankets.
 426 (four hundred and twenty-six) surcingles.
 515 (five hundred and fifteen) spurs and straps.
 562 (five hundred and sixty-two) horse-brushes.
 565 (five hundred and sixty-five) currycombs.
 354 (three hundred and fifty-four) lariats.
 354 (three hundred and fifty-four) picket pins.
 500 (five hundred) links.
 146 (one hundred and forty-six) nose bags.
 245 (two hundred and forty-five) wipers.
 14 (fourteen) spring vices.
 2,000 (twelve thousand) cartridges; calibre, 71.
 9,000 (nine thousand) cartridges; calibre, 69.
 1,000 (eleven thousand) cartridges; calibre, 58.
 6,000 (sixty-six thousand) cartridges; calibre, 54.
 2,500 (twenty-two thousand five hundred) cartridges; calibre, 44.
 5,700 (fifteen thousand seven hundred) cartridges; calibre, 36.
 1,500 (one thousand five hundred) pounds of lead.
 20 (twenty) kegs powder.

15 (fifteen) quires cartridge paper. I believe that is all issued to the 3^d regiment.

Question. Were these articles, as enumerated by you, new when issued to the 3^d regiment?

Answer. The saddles were very nearly all new; a portion of them had seen service, but were in a servicable condition. The arms, I believe, had also seen service. The accoutrements were nearly all new; some of them might have seen service.

Question. State the time these stores were issued.

Answer. Most of the horse equipments were issued in November, 1864. The guns and accoutrements were issued, some of them in September, and some in October, 1864. I don't recollect that any were issued in November, 1864.

Question. Why were not the horse equipments issued earlier?

Answer. Because I did not have them on hand. They were issued immediately after being received from Leavenworth arsenal.

Question. Have the officers of the third regiment, responsible for these stores, been mustered out of the public service?

Answer. I presume they have; I have no official information that they have been mustered out.

Question. Have you, before and since the muster out of these officers, received ordnance stores from them?

Answer. Those responsible turned in their ordnance stores on hand to me.

Question. State the kind, quality, and condition of the ordnance and ordnance stores received by you from the third regiment Colorado cavalry.

Answer:

493 (four hundred and ninety-three) rifles; calibre, 54.

92 (ninety-two) muskets; calibre, 69.

8 (eight) muskets; calibre, 71. As far as the arms are concerned they were in a serviceable condition, but rusty.

658 (six hundred and fifty-eight) cartridge boxes, infantry.

455 (four hundred and fifty-five) cap pouches and picks.

523 (five hundred and twenty-three) waist belts and plates.

358 (three hundred and fifty-eight) gun slings.

279 (two hundred and seventy-nine) cartridge-box plates.

160 (one hundred and sixty) screw-drivers and cone wrenches.

17 (seventeen) Sharp's carbines.

169 (one hundred and sixty-nine) Starr's carbines.

19 (nineteen) Starr's revolvers.

2 (two) Colt's army revolvers.

12 (twelve) Whitney's revolvers.

114 (one hundred and fourteen) carbine slings and swivels.

16 (sixteen) carbine cartridge boxes.

49 (forty-nine) brush wipers and thongs.

43 (forty-three) pistol belt-holders.

5 (five) pistol cartridge pouches.

13 (thirteen) cavalry sabres.

59 (fifty-nine) sabre belts and plates.

412 (four hundred and twelve) saddles complete; pattern 1859.

382 (three hundred and eighty-two) curb bridles.

275 (two hundred and seventy-five) watering bridles.

225 (two hundred and twenty-five) halters and straps.

80 (eighty) saddle blankets.

239 (two hundred and thirty-nine) surcingles.

193 (one hundred and ninety-three) spurs and straps, (pairs.)

321 (three hundred and twenty-one) horse brushes.

342 (three hundred and forty-two) currycombs.

50 (fifty) lariats.

64 (sixty-four) picket pins.

139 (one hundred and thirty-nine) links.

22 (twenty-two) wipers.

4 (four) spring vices.

1,000 (one thousand) cartridges; calibre, 54.

17,050 (seventeen thousand and fifty) cartridges; calibre, 52.

11,000 (eleven thousand) cartridges; calibre, 44.

1,000 (one thousand) cartridges; calibre, 69.

10,000 (ten thousand) cartridges; calibre, 71.

1,000 (one thousand) cartridges; calibre, 36.

700 (seven hundred) pounds of lead.

12 (twelve) kegs powder.

Question. State the deficiency of ordnance stores.

Answer:

279 (two hundred and seventy-nine) rifles; calibre, 54.

132 (one hundred and thirty-two) muskets; calibre, 69.

8 (eight) muskets ; calibre, 71.
 54 (three hundred and fifty-four) cartridge boxes, infantry.
 50 (six hundred and fifty) cap pouches and picks.
 96 (four hundred and ninety-six) waist belts and plates.
 75 (two hundred and seventy-five) gun slings.
 41 (three hundred and forty-one) cartridge-box plates.
 90 (four hundred and ninety) screw-drivers and cone wrenches.
 11 (eleven) Sharp's carbines.
 10 (ten) Starr's revolvers.
 60 (sixty) Whitney's revolvers.
 3 (three) carbine cartridge boxes.
 64 (sixty-four) pistol belt-holders.
 66 (sixty-six) pistol cartridge pouches.
 5 (five) Colt's repeating rifles.
 63 (sixty-three) sabre belts and plates.
 15 (one hundred and fifteen) saddles, complete ; pattern of 1859.
 45 (one hundred and forty-five) curb bridles.
 01 (one hundred and one) watering bridles.
 75 (two hundred and seventy-five) halters and straps.
 44 (five hundred and forty-four) saddle blankets.
 87 (one hundred and eighty-seven) surcingles.
 22 (three hundred and twenty-two) pairs spurs and straps.
 41 (two hundred and forty-one) horse-brushes.
 23 (two hundred and twenty-three) currycombs.
 04 (three hundred and four) lariats.
 90 (two hundred and ninety) picket pins.
 71 (three hundred and seventy-one) links.
 46 (one hundred and forty-six) nose bags.
 23 (two hundred and twenty-three) wipers.
 10 (ten) spring vices.
 00 (sixty-five thousand) cartridges ; calibre, 54.
 00 (eleven thousand five hundred) cartridges ; calibre, 44.
 00 (eight thousand) cartridges ; calibre, 69.
 00 (two thousand) cartridges ; calibre, 71.
 00 (fourteen thousand seven hundred) cartridges ; calibre, 36.
 00 (eleven thousand) cartridges ; calibre, 58.
 300 (eight hundred) pounds lead.

8 (eight) kegs of powder.

15 (fifteen) quires cartridge paper.

Question. State the time when you received ordnance and ordnance stores officers of the third regiment.

Answer. In the latter part of December, 1864, between the 20th and 31st.

Direct examination closed. Cross-examination by J. M. Chivington, late Major, &c. :

By J. M. CHIVINGTON :

Question. Were any of the arms mentioned by you as having been issued to the third regiment Colorado cavalry returned to you, and others issued instead of?

Answer. Yes ; I believe Captain Johnson turned in some arms and received others instead.

Question. Does the list of ordnance and ordnance stores comprise all the ordnance and ordnance stores issued by you to the third regiment?

Answer. It does, I believe, with the exception of ammunition issued to Captain Morgan of the battery, and two howitzers and their equipments.

Question. Is the list of property returned all the property returned, or is it a list of that only returned when the third regiment was mustered out?

Answer. It is a complete list with that exception, Captain Morgan's battery.

Question. Was not some of the ordnance and ordnance stores just mentioned by you exchanged by officers of the third regiment, invoiced and receipted for as original issues?

Answer. Not to my knowledge; I have no record of that kind in my office.

Question. Were you able to fill all the requisitions made by officers of the third regiment for ordnance and ordnance stores?

Answer. I was not.

Question. Had the third regiment cannon or howitzers; if so, from whom did they get them?

Answer. I stated before that Captain Morgan drew two from me.

Question. What was the date of the shipment of the horse equipments mentioned by you, from Leavenworth, and when did they arrive at Denver?

Answer. To the best of my belief they were shipped on the first of August and arrived at Denver, I think, the latter part of October or the beginning of November. That was the first shipment of saddles.

Question. Do you know whether any of the officers of the third regiment turned in or over any of their ordnance or ordnance stores to any person besides yourself?

Answer. I do not.

Question. Do you know whether any of the deficient ordnance or ordnance stores were charged to the enlisted men of the third regiment on their muster rolls?

Answer. I do not. Those that made their returns sent them in to my office, of which I took a copy. I never examined them, and cannot tell whether any ordnance or ordnance stores were charged to the men.

Question. Will you state why powder and lead were issued to the officers of the third regiment, in some instances, instead of cartridges?

Answer. Because I had no cartridges to issue.

Question. Please state the date of the order, and from whom received, directing the officers of the third regiment to turn in their ordnance and ordnance stores.

Answer. The order was received from Colonel Chivington, commanding district of Colorado. I do not recollect the exact date.

Question. What was the date of the issue to the third regiment of the last of the ordnance or ordnance stores received by the third regiment?

Answer. I cannot tell the exact date; it was just previous to the departure of the third regiment for Fort Lyon.

By the COMMISSION :

Question. Did you issue ordnance and ordnance stores to officers of the third regiment as fast and as soon as you received the same from the east?

Answer. Yes.

Question. What is your means of knowledge as to the officers of the third regiment having been mustered out of service?

Answer. I know from hearsay.

Cross-examination of First Lieutenant Charles C. Hawley closed.

Commission adjourned until 9½ a. m. to-morrow, February 25, 1865.

FIFTEENTH DAY.

FEBRUARY 25, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of yesterday read and approved, with the following amendments: On page 135, first line to third question, "quality" to read "quantity."

Re-examination of First Lieutenant Charles C. Hawley, veteran battalion ; Colorado cavalry, in presence of J. M. Chivington :

By the COMMISSION :

Question. You spoke of some ordnance or ordnance stores being exchanged officers of the third regiment, when such articles were brought in to be exchanged. Did you give receipts and receive invoices for them ; and when you used others in their stead did you give receipts and take invoices for them ?

Answer. I did.

Re-examination of First Lieutenant Charles C. Hawley closed.

A. STOCK, esq., called in by commission to give evidence, being duly sworn according to law, in presence of J. M. Chivington, late colonel, &c., testified as follows :

By the COMMISSION :

Question. Your full name, residence, and profession ?

Answer. Amos Stock ; residence, Denver, and by profession an attorney-at-law.

Question. How long have you been a resident of Colorado ?

Answer. Five years last May..

Question. Were you present at a council last summer, at Camp Weld, (near Denver,) with certain Indian chiefs ?

Answer. No ; I was not present last summer at any council of that kind, and now of none at that time. I was present at a council with the Indians on or about the 27th of last September, at Camp Weld, near the city of Denver.

Question. Who were present at that council ?

Answer. I am not able to tell who all of those were that were present. But on the part of the Indians there were Black Kettle, White Antelope, and Bull Bear, representing the Cheyennes ; and Neva, Heap Buffalo, Knock Knee, and another Indian and brother of Knock Knee and Heap Buffalo, all half-brothers of Left Hand, as I understood from the interpreter, Governor Evans, and the whole audience. On the part of the whites there was Governor Evans, who conducted most of the business of the interview at that time. There were also present Simeon Whiteley, James McNassar, Captain J. Bright Smith, Sheriff Robert Wilson ; I believe they were all the civilians present. Of the military present whom I recognized and now remember, were Colonel John M. Chivington, Major Wynkoop, Captain Sam. Robbins, Captain S. S. Soule, Captain Sanborn, Lieutenant Hawley, Lieutenant Cramer, and the rest of the military I do not remember. There were several others. John Smith was present as interpreter ; also, I think, Sam. Ashcraft. Simeon Whiteley acted as secretary, at the instance of the governor. How fully he took the notes I am not able to state.

Question. Who did the talking and business there transacted on the part of the whites ?

Answer. Mainly Governor Evans ; also Colonel Chivington and Major Wynkoop. The latter interposed one remark at the instance of the governor. My impression is that was all that was said by him (Wynkoop.)

Question. Who on the part of the Indians ?

Answer. Black Kettle, White Antelope, Bull Bear, and Neva spoke on behalf of their people. The other three said nothing.

Question. State what was said and done by the parties present at the council ?
(John M. Chivington respectfully objects to the introduction of oral testimony concerning the proceedings of the council between Indians of the Arapahoe and Cheyenne tribes and Governor Evans and others, held at Camp Weld on about the 27th September, 1864, for the reason that it appears from the evi-

dence of Captain Silas S. Soule and Amos Stock, esq., that the proceedings of that council were reduced to writing by Simeon Whiteley, acting as secretary for Governor Evans, and such record is, therefore, the best evidence of the proceedings of that council, and should be introduced, or its absence accounted for, before secondary evidence is offered. For this reason I object to the question being put. The Commission cleared for discussion.

Commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

Decision of commission relative to the objection of J. M. Chivington to the question before adjournment.

It appearing from the evidence of Captain Soule that the Indian chiefs in council at Camp Weld, near Denver, last September, were not permitted to state their grievances, and that they had suffered by the depredations of the whites, and it not appearing to the satisfaction of the commission that Simeon Whiteley was sworn to make a faithful record of the proceedings, and the same submitted for the approval of the members of the said commission, also, a majority of the commission having, since the adjournment, called on the acting governor of the Territory, and being informed by him that he had understood the notes made by Simeon Whiteley to be merely a private memorandum made for the use of the governor, and not a matter of record in the executive office, except the pencilled notes of the said Whiteley, which were on file, the commission is of opinion that there is no official record of the proceedings of that council, and therefore overrule the objections of John M. Chivington, and allow to introduce oral testimony to have what was said and done in the council at the place and time aforesaid.

Examination of Amos Stock, esq., continued :

Answer. It was mainly said, not done. The Indians shook hands with everybody in the room, and smoked their pipe, which was passed from one to another, immediately after which the governor requested of Interpreter to ask the Indians what they had to say ; whereupon Black Kettle began his speech, and said, in substance, that he had seen Major Wynkoop and his men out in the Indian country when he had come and met him and his men, and that he had come to reclaim some prisoners which they had in their possession, and who had been captured somewhere on the Platte and down to the Blue ; that he held a parley with Major Wynkoop, and desired him to make peace with the whites and his people. He said he was anxious for peace, and would deliver up the prisoners they had in their possession, and did so, I believe he stated ; but Wynkoop told them that he was not authorized to make any peace, but would guarantee their safe conduct to Denver to the governor of the Territory, with such of his chiefs as might go along. He said that he had great apprehensions, in agreeing to the proposal of Major Wynkoop, for his and their personal safety in leaving his people to come to Denver to see the governor, but that he relied upon his good faith ; that he would see them through safely, and that if a peace could not be made, Wynkoop had promised to conduct them back to their own people, and that they should not be harmed. He said that their people had been living under a cloud, and that his brothers had come to hear the word of the governor that would remove those clouds and let the light of peace shine upon them again. He said that such were his fears for their personal safety on this trip that it was like passing through a flame of fire, but that he had closed his eyes and passed through the fire, and was now here to know if the Great Father would not make peace for them and their people. There was a great deal more poetry about it, but

escaped me, but those two similes I recollect well. He said frequently in the course of his speech that he was anxious for peace, and the people whom those men then represented were also anxious for peace with the white men. My impression now is that, before he made his speech, one of the Indians—I think it was Bull Bear—or it may have been some time afterwards, during that interview, said that they had counseled together, and had all agreed that whatever Black Kettle said and agreed to in that council, that they would all agree to; that they understood his views and fully assented to them. After Black Kettle had closed his speech the governor replied that he at one time was fully authorized to make peace with their two tribes, (the Cheyennes and Arapahoes;) that he had endeavored to do so; that he knew that there had been much discontent among them towards the whites; and that for the purpose of making peace, he had gone down into their country about a year previously, on to the Republican, and had sent word to their chiefs and headmen to come in and make peace, but that they had refused to do so; that Bull Bear sent him word when down in that country that he was willing himself to make peace, but that his young men said that they could live without their great father, or any assistance from him. Bull Bear immediately interposed, and said that's true. The governor said, I could then have made a peace with you, but I have no authority to do so now, and I fear that what you want is peace during the winter which is coming on, and that in the spring, when the grass grows, you will again begin to plunder our people and kill our settlers; that they had murdered our people and run off their cattle and stock, and would do so again in the spring; that up to this time you (the Indians) have killed more of our people than our soldiers have killed of you; that you have the advantage of us in that because we were not ready to fight you; but now we are ready.

He said that he had issued a proclamation, which he had sent out by runners to their people, telling them to come in to the military posts and they had not done so. That the great father was determined to punish them. That he had soldiers to put down this rebellion and to put them down too, and that he assuredly meant to do it. That soon the plains would swarm with soldiers and they might rest assured that they would be punished. That all that were friendly disposed towards the whites, by his proclamation were required to come in to the military post, and those that would not would be hunted out and punished.

He said that all he could tell them was that all who were friendly disposed to the whites should do as he had told them in the proclamation. The conversation became desultory during the governor's speech, and continued so till the close of the interview between Governor Evans and them. They said (which one I don't remember) in reply to what the governor had said about coming to the post under his proclamation, that as soon as it was read to them by a half-breed that was among them, they wrote a paper, which Bull Bear's brother carried to commander of soldiers that had come into their country, and that he got off his horse, and tied him to one of the wagons of the command, and was advancing unarmed, with the paper in his hand, towards the military, when he was shot down and killed. The governor made no inquiry concerning this killing, no allusion whatever, but said you must go to the military posts and lay down your arms and submit to the military authorities. One of them said in reply to that, "How are we to subsist ourselves and people?" that "we must be fed and provided for at the posts if we come in with our people," or we must live on the edge of the buffalo country in order to subsist our people. The governor said that he left that to them and the military authorities. They said that they would endeavor to bring in their people to the military posts. That they wanted peace, and the governor said that you must not only go to the military posts and lay down your arms, but you must also show your good faith and desire for peace with the whites by joining the soldiers to punish the Indians

that were hostile—those that would not come in and lay down their arms. And they said they would do it. The governor inquired of them “who killed the Hungate family?” Neva promptly answered “the Arapahoes did it.” He, the governor, explained to them that it was out on Running creek, about twenty-five or thirty miles from Denver. The governor then inquired particularly what Indians did it. Neva said it was Big Roman Nose and some two or three others. He then asked them “where is Roman Nose?” He said that he had gone off north somewhere, and that he had not seen him, but knew that he did it, and his people knew that he did it. The governor inquired about a depredation, as I understood it, down on the Fontaine-que-buille, and the Cheyennes (either Bull Bear or White Antelope) said they did it. White Antelope or Bull Bear said that a long time before that, while crossing from their country, crossing down toward the Platte via the Bizyou, they found a horse and a mule—I think they said a white horse—that had strayed away in the bluffs, far beyond the care of their owners, and that going on down towards the Platte they met a man to whom they gave the horse, and that afterwards when they got to Geary’s they left the mule with Geary and passed on. A short time afterwards they were attacked by some military command and one of their greatest braves was shot in the hip; and he said that he won’t die, but that he was crippled for life, and was no use, and would be a charge on our people for life. Immediately after that was said, and upon the instant, White Antelope said, “There, governor, is the beginning of this war.” The governor made no inquiry respecting it—made no answer. They appeared anxious to tell it, but the subject was changed, and the governor directed the interpreter to inquire in regard to other matters. The governor told them that we have just to-day received news of a great victory in the east, and that the rebellion would be put down, and that they (the Indians) would be put down too. By that time it began to get late in the day, and the conversation began to get so desultory between the governor and the Indians as to somewhat weary me with the interview, so that I stepped out. In a moment or two afterwards I saw Colonel Chivington take his position in the middle of the floor, standing up, as I moved to the door, and he told Smith that they must go down to the military posts and lay down their arms and submit to the authorities as the governor had told them. He said: tell them that the soldiers in all this country are under my command; that he was not much of a speech-maker, but that his business was to fight. He said that was all he had to say. Immediately after the whole interview terminated. During the interview, when the governor was making inquiries who committed the depredations at various places, Neva said “We haven’t come here to talk about the past; we have been fighting you, and are willing that bygones should be bygones; what we want is peace for the future,” and Bull Bear said that he might be killed in endeavoring to make peace as his brother had been, but that he was ready to die if peace could be had for his people. This last matter of Neva and Bull Bear should have been mentioned in the body of my testimony. That constitutes all I know in answer to that question. They also said that they were willing to exchange the property that they had taken for the property taken from them.

By COMMISSION :

Question. What did Governor Evans say to the Indian chiefs in council they must do in order to secure peace with the whites?

(J. M. Chivington objects to the question for the reason that the question suggests to the witness the answer which the commission seeks to draw from him, and for the reason that the witness has already stated all that he can recollect that was said by Governor Evans.

Objection overruled by the commission.)

Answer. He said that all those who were friendly to the whites must come

military and lay down their arms, and that they must also show their
by joining the soldiers in punishing the Indians who would not do so,
agreed to do it.

COMMISSION:

n. What did Colonel Chivington tell them they must do in order to
peace with the whites?

Chivington respectfully objects to the question for the reasons that it
has been shown that Colonel Chivington made any statement such as is as-
sured to have been made by the language of the question, and for the reason
that the commission has already given the language used by Colonel Chivington.
(The question is overruled by the commission.)

. I have already told substantially all that he said.

Commission adjourned until 9½ a. m., February 27, 1865.

SIXTEENTH DAY.

FEBRUARY 27, 1865.

Commission met pursuant to adjournment. Present, all the members and

Minutes of Saturday read and approved with the following amendments:
Line —, words "I think" to be omitted. In — line to second answer,
"in the presence of the governor," to read, "by permission of the governor."
Line —, after the word "Smith" insert "to tell the Indians." Page —,
second answer, after the word "military," insert the word "posts."
He stated to the commission that he was unwell, and not able to record
the proceedings, and requested an adjournment until 9½ a. m. to-morrow.
Commission adjourned until 9½ a. m., February 28, 1865.

SEVENTEENTH DAY.

FEBRUARY 28, 1865.

Commission met pursuant to adjournment. Present, all the members and

Minutes of yesterday read and approved.

Examination of AMOS STEEK in presence of J. M. Chivington continued.

Amos Steek, esq., stated that he forgot to mention in the body of his evidence
that chiefs White Antelope, Bull Bear, and Neva stated that two thousand
five hundred hostile Sioux Indians had crossed the Platte towards
the mouth of the river and I think they said were on the Republican. That was in reply
to the question asked by Governor Evans at the council at Camp Weld.

Examination of Amos Steek, esq., closed.

Examination of Amos Steek, esq., by J. M. Chivington, late colonel, &c.

n. In the council had by Governor Evans, with the Indians at Camp
Weld, did any person attempt to stop the Indians from telling all they desired
to tell of their difficulties?

. No, I do not know that anybody stopped them—don't think any.

Neva said that they did not come to talk of bygones and was willing
that bygones be bygones—that they desired to talk of the future. This was
in answer to some inquiry of the governor relative to some depredations com-
mitted by them. They admitted that they (their people) had been fighting the
whites. They neither admitted nor denied that they themselves, as individuals,
committed any depredations.

n. Did they say to what tribe the Indians belonged who stole the gov-
ernment stock from Lieutenant Chase on the head of Squirrel creek or Jemmey's
creek in September?

. I do not know that any time was mentioned, but it is the same event

of which I spoke in the body of my testimony as having taken place down south near the "Fountain-qui-bouit," as I thought, and they answered the Cheyennes did it. I think it was Bull Bear who answered.

Cross-examination of Amos Steek, esq., by J. M. Chivington, closed.

Re-examination of Amos Steek, esq.

By COMMISSION :

Question. Was the interpreter, John Smith, stopped when he attempted to make known what the Indian chiefs had said in council in reference to what they had suffered by the whites ?

Answer. He began to tell something once—it may have been twice—which they had said, and directions were given to him to ask some question by the governor, but what they had said which Smith was about to tell I do not know, and it was at the time they were telling about the attack made upon them after they had left the mule at Geary's, and after they had told about Bull Bear's brother being shot down when he had the paper in his hand ; and, further, at the time when this occurred the conversation had become very desultory.

Re-examination of Amos Steek, esquire, closed ; commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

Second Lieutenant Joseph A. Cramer recalled by the commission and in presence of J. M. Chivington, late colonel, &c., testified as follows :

By the COMMISSION :

Question. Did Black Kettle and other chiefs of the Cheyennes in council with Major Wynkoop say the Dog soldiers of their tribe were under their control and subject to their (the chiefs) orders ?

Answer. I don't recollect ; I think Black Kettle stated the Dog soldiers were renegades from the different bands of Cheyennes and Arapahoes, whom they were not able to control. It may have been the interpreter or others who made this statement.

Question. How many of the Cheyenne tribe are known as Dog soldiers ?

Answer. I do not know.

Question. Did Black Kettle afterwards bring the white prisoners into Fort Lyon ? If so, what did he say respecting them ?

Answer. He brought three, and Left-Hand one, into our camp, and then accompanied us to Fort Lyon.

Question. What did the white prisoners say of their treatment by the Indians while in their possession ?

Answer. That they had been treated well after the first two or three days. The only mistreatment they complained of was in being obliged to ride night and day for two or three days.

Question. When the chiefs, Black Kettle of the Cheyennes and Left-Hand of the Arapahoes, brought the white prisoners into camp, what did they say respecting them ?

Answer. Black Kettle stated he had brought some of them—I don't recollect how many—from the Sioux, and the Sioux had taken the others on to the Republican, and from the time given by Major Wynkoop he was not able to go there after them. Left-Hand brought in one the first day, this young woman, (Laure Roper,) and stated that he was glad to give her up, and wanted to see her go back to her friends. She also stated that he had promised before our coming to the Smoky Hill to take her to her friends, if the whites would make a treaty. Those prisoners who came in with Black Kettle were too small to say much. The oldest said that he had just as lief stay with the Indians as not.

Question. Did you accompany Major Wynkoop and Indian chiefs to Denver to return with them to Fort Lyon?

Answer. I did. I accompanied the major and the chiefs up here and back as far as Coberly's, when Major Wynkoop went on ahead to Fort Lyon.

Question. While in Denver, did you attend the council held with the Indian chiefs at Camp Weld?

Answer. I did.

Question. In that council what did the Indian chiefs say in reference to peace with the whites?

Answer. That they had come up here to talk or make peace with the whites; that they did not wish to fight nor would not, and would do what was required of them in order to make peace. I think that is about the substance of it all. They also stated that they had not come to state their grievances or to tell of their misdeeds, but for peace.

Question. In that council who spoke on behalf of the government?

Answer. Governor Evans and Colonel Chivington. I think Major Wynkoop did too.

Question. What did Governor Evans, Colonel Chivington, and Major Wynkoop tell them they must do in order to secure peace with the whites?

(J. M. Chivington objects to the question, for the reason that it assumes that Governor Evans, Colonel Chivington, or Major Wynkoop told the Indians that they must do something to secure peace with the whites. The witness may be asked what those persons said at the council, but it cannot be assumed that a specific statement was made, and the witness then asked what that statement was.)

Objection sustained by commission.)

Question. How were their proposals for peace received by those who spoke on behalf of the whites?

Answer. By Major Wynkoop favorably; by Governor Evans and Colonel Chivington mixed. Major Wynkoop I think stated in council that an understanding had been made between himself and the Indians, whereby he could use them to fight the other hostile Indians. I think the Kiowas and Comanches were the tribes mentioned, provided that a peace could be made favorable to the whites and Indians. I am not quite positive that Major Wynkoop stated this at a council, but think he did. I know it was talked of by him, and think he stated it in council. He also stated that he believed it to be policy to make a treaty with them, as we were not prepared to fight them, and that he believed they had and would act in good faith. Governor Evans, I believe, made no direct propositions, but stated that it was in the hands of the military authorities, and that he did not wish to interfere until he could hear from the authorities; but that he would advise them to go back with Major Wynkoop, and remain with him, and be good Indians, and he (Major Wynkoop) would care for them or take care of them as he had been doing. I think that is the substance of what he (the governor) stated. Colonel Chivington stated that he believed it to be policy to delay the thing until such time as we could get troops here to fight them. That they had been bad Indians, and should be punished; that they should be required to give up their stock, and that the bad Indians should be punished, or words to that effect; that he could make them no promises until he heard from the east; that they would go back with Major Wynkoop, who were the tribes mentioned, provided that a peace could be made favorable to the whites, and he could treat them as he had been doing, I think—or as prisoners, I am not certain in which. The understanding that I had of Colonel Chivington's talk in council was that he had indorsed the actions of Major Wynkoop. Part or all of this statement may have been between himself, Colonel Shoup, and Governor Evans. I am not certain that he made his statement direct to the Indians,

but the substance of it I think was interpreted by the interpreter to the Indians. That is all I recollect, that I am positive of.

Question. Did the Indian chiefs in council manifest willingness to comply with the terms proposed in order to secure peace?

Answer. They did.

Question. Were you present in the council during its entire session?

Answer. Not all the time.

Question. Upon the return of the Indian chiefs to Fort Lyon, were any more councils held with them prior to the 29th of November, 1864?

Answer. There were several.

Question. Were you present at either or all of these councils? If so, state their object and what was done?

Answer. I was present to only one—that is, after my return to Fort Lyon. That one was held by Major Anthony, commanding Fort Lyon. The proceedings in this council were in connection with a council held with Major Anthony and Wynkoop; prior to this, Black Kettle with the Cheyennes had just returned from the Smoky Hill in order to comply with instructions or an understanding between himself and the commander of the post to camp his band near the fort for protection, so that all travellers might know that they were friendly Indians. At this council, which I attended, Major Anthony told them that it would be impossible to feed them, and that they had better camp on Sand creek, and there remain until he heard from General Curtis or Washington to let their young men go out and hunt buffalo, but not to come on to the Arkansas river, for they might get into difficulty with trains or soldiers, and as soon as he heard from General Curtis or Washington he would let them know and, if possible, would let them come in near the fort. I think that they were all of the Cheyenne tribe in that council. Black Kettle or some of his chiefs expressed dissatisfaction that the commanding officer had not complied with the previous understanding so as to allow him to come in to the fort, for he was afraid that the soldiers from Denver and the east might come across some of his young men while hunting and kill them, and then he would be unable to restrain his men. Major Anthony told them that they would be perfectly safe, and that he did not think it would be more than a few days before he would hear from General Curtis or Washington and that he was sure it would be all right. That is about all I recollect in regard to it now.

Question. Were you at Fort Lyon on duty on or about the 28th of November, 1864?

Answer. I was, I think.

Question. State what transpired at Fort Lyon on the 28th of November, 1864?

Answer. Colonel Chivington's command arrived there in the morning about 9 o'clock. Went into camp below the commissary about 1 o'clock. I received an order from Major Anthony, commanding post, to report at 7 or 8 o'clock at night with every available man in my command with three days' cooked ration in their saddle-bags, and two hundred rounds of ammunition. I reported between 7 and 8 with forty-four men to Major Anthony, and soon after joined Colonel Chivington's command, and started from Fort Lyon in a northerly direction. Marched forty or forty-five miles, and between daylight and sunrise came upon an Indian village consisting of about one hundred lodges.

Question. Did you converse with Major Anthony prior to leaving Fort Lyon on the eve of the 28th of November, relative to a contemplated attack upon the Indians?

Answer. I did.

Question. What did you say to him and what reply did he make?

Answer. I stated to him that I was perfectly willing to obey orders, but that I did it under protest, for I believed that he directly, and all officers who accom-

Major Wynkoop to the Smoky Hill indirectly, would perjure themselves as officers and men; that I believed it to be murder to go out and kill Indians, as I felt that Major Wynkoop's command owed their lives to a band of Indians. Major Anthony in his reply stated that he had pledged that would compromise his honor; that the promise he had given the Indians he did not consider binding, inasmuch as he had not heard from General Curtis or Washington, and that was as far as his argument extended. I let them know when he did hear. He also stated that he was opposing those Indians if it went no further, but the intention was to go to the Sioux camp; and if they did that, he was in favor of killing everything there. I told him that I thought that Black Kettle and his tribe had good faith; that they had saved the lives of one hundred and twenty settlers and the settlers in the Arkansas valley, and that he with his tribe should use to us to fight the other Indians, and that he (Black Kettle) was willing to do so. He (Anthony) stated that Black Kettle would not be killed; that a promise given by Colonel Chivington or an understanding between him and Colonel Chivington that Black Kettle and his friends should be the object of the expedition was to surround the camp and take the stock and kill the Indians that had been committing depredations last spring and summer. I told him that on those grounds I was willing to go. I do not recollect whether all of this conversation took place before we started for Sand creek or not; most of it did, I know. The session adjourned until 9½ a. m. to-morrow, March 1, 1865.

EIGHTEENTH DAY.

MARCH 1, 1865.

The session met pursuant to adjournment. Present, all members and recorder. The minutes of yesterday read and approved. The nomination of Second Lieutenant Joseph A. Cramer, veteran battalion first cavalry, by the commission, in presence of J. M. Chivington, late colonel, continued.

the COMMISSION:

1. Did you have any further conversation with officers at Fort Lyon relative to the contemplated attack upon Black Kettle's camp? If so, state the names of the officers, and what was said.

I had some conversation with Major Downing, Lieutenant Maynard, and Colonel Chivington. I stated to them my feelings in regard to the matter; that it was to be "murder," and stated the obligations that we of Major Wynkoop's command were under to those Indians. To Colonel Chivington I know that Major Wynkoop had pledged his word as an officer and a man to the Indians, and that all officers under him were indirectly pledged in the same manner that he was, and that I felt it was placing us in very embarrassing positions to fight the same Indians that had saved our lives, as we all felt.

Colonel Chivington's reply was, that he believed it to be right or wrong to use any means under God's heaven to kill Indians that would kill our children, and "damn any man that was in sympathy with Indians," when as Major Wynkoop and myself had better get out of the United States. I think that Major Downing said he would not advise me to go, I said, or words to that effect. I do not know that Lieutenant Maynard made any reply. I also stated to Major Anthony that I believed it to be wrong to let these Indians know what was going on, according to the agreement made with them, and that an officer who would disregard his honor and the United States uniform. That is about all I recollect at

present. There were several remarks passed between Captain Soule, Lieutenant Baldwin, and myself, but it was all a one-sided affair, as we all agreed.

Question. In your conversation with officers at Fort Lyon, was anything said in reference to the white men in Black Kettle's camp?

Answer. There was, either at Fort Lyon or on the road.

Question. What was said?

Answer. Major Anthony stated that arrangements had been made with Colonel Chivington to get them out of the Indian camp before there was any fighting done.

Question. Did you join Colonel Chivington's column in the attack upon Black Kettle's camp? If so, state what was your understanding of the object of the attack.

Answer. I did join it, the object of which was to take the stock and kill and punish the Indians who had committed the depredations in this Territory during last winter, spring and summer, and to save Black Kettle and his friends.

Question. Had the Indians committed any depredations in the vicinity of Fort Lyon for three months prior to the 29th of November, 1864?

Answer. To the best of my knowledge, none that I ever heard of or know of.

Question. What was the last depredation committed by the Indians near Fort Lyon during the summer of 1864?

Answer. It was the killing of two men—the names I have forgotten—I think about the 17th of August. They were on their way to Fort Lyon as witnesses in the Haynes case before a military commission. I do not know what Indians they were. Mr. Combs and one of the first Colorado battery boys found them while on their road up to the Indian agency, (it is called the Upper Arkansas Indian agency.) They saw Indians ahead of them, and returned to Fort Lyon. I do not recollect whether they reported that the Indians fired on them or not.

Question. What Indians were reported on the Arkansas, above and below Fort Lyon, during the summer of 1864?

Answer. Kiowas, Arapahoes, Cheyennes, and Sioux.

Question. Did the Indian chiefs in any council refer to the killing of the two men near Fort Lyon?

Answer. I think they did, but am not positive. I think it was in the Smoky Hill council. I am not positive that I heard it from Indians at all.

Question. State what was done on the arrival of Colonel Chivington's command at Black Kettle's camp on the morning of 29th November, 1864.

Answer. We had a fight. Lieutenant Wilson's battalion, consisting of parts of three companies of the first cavalry of Colorado, on our approach to the Indian village, made a charge for the Indians' herd, from one-half to a mile east of the Indian village, and drove their herd in towards the village; Major Anthony's battalion, from Fort Lyon, following, consisting of parts of three companies of the first cavalry. G company had a battery of two twelve-pounder mountain howitzers, and on approaching the village Lieutenant Wilson's battalion took a position on the north side of the village and Sand creek, and immediately opened fire on the Indians. Major Anthony's battalion took a position on the southeast side, I should judge, and there waited for Colonel Shoup's third regiment to come up, (the third regiment, as I understand it, were volunteer cavalry enlisted for one hundred days,) as he (Major Anthony) said he did not wish to open the ball, but wanted to see Colonel Chivington do so. The third regiment took up their first position in rear and to the right of the Fort Lyon battalion, dismounted part or all of their men for some purpose, I don't know what, and, mounting again and moving to the front, commenced firing, some of them firing over or through our ranks. On reporting this fact to Major Anthony I was ordered to move my company to the left, down to the bank of Sand creek. Previous to our moving, John Smith, Indian interpreter, came out, and when within from thirty to fifty paces several halloed out "Shoot the old son of a bitch," and com-

ced firing on him ; he then ran back to his lodge or tepe. About that same some one came out with a white flag, going towards the head of the column, was fired upon, and immediately ran back ; I do not know who he was, but used him to be David Louderback, a soldier of G company, first cavalry of rado, or a teamster, who had driven John Smith, Indian interpreter, out e, as he had on a government overcoat. George Pierce, a member of F pany, attached to my company, in attempting to save the life of John Smith, killed, I think, by the third regiment, or Lieutenant Wilson's battalion, as they e firing at the time, and I saw no Indians firing at the time and in that direc- . In the position first taken one battalion, I think, of the third regiment took tion on the south side of Sand creek, and opposite to the village and almost xactly opposite to Lieutenant Wilson's battalion ; they, at the same time, were ag. Immediately after firing upon John Smith, the Fort Lyon battalion ned fire ; several Indians were killed while running towards the troops with h hands raised, one of whom I think was White Antelope, a Cheyenne ief. During this time the Indians had been running up the creek, and the ole command moved forward and took such positions as best suited them, as ere appeared to be no general organization, and no one to command, and at ferent periods of the fight they were in such positions that I thought and said ey were firing on each other ; the fight continued until about between 12 and I should judge ; we then went back to the Indian village.

Question. At any time during the attack upon the Indian camp at Sand creek as the command of Colonel Chivington, or any portion of it, so situated or so attered as to be in danger of being shot by each other ?

Answer. They were, I should judge. Men were directly opposite each other, both sides of the creek, and were firing towards each other, and several times uring the fight I ordered my men to cease firing, owing to the position in which or troops were placed, and fearful of killing some of our own men.

Question. State how long they were so scattered or so situated ?

Answer. During the whole fight, after the first hour or one-half hour.

Question. Did the commanding officer make any efforts to rally the command nd place it in a position where they would not be in danger of being shot by or own men ?

Answer. Not that I know of.

Commission adjourned until 2 p. m. this day.

Two p. m.—Commmision met pursuant to adjournment. Present, all mem- ers and recorder.

Examination of Second Lieutenant Joseph A. Cramer, by commission, in reence of J. M. Chivington, late colonel, &c., continued.

Question. What field officers, besides Colonel Chivington, were present at and uring the attack on Black Kettle's camp ?

Answer. Colonel Shoup, of the third regiment ; Lieutenant Colonel Bowen, ird regiment ; Major Sayre, third regiment ; Major Anthony, first regiment ; ajor Downing, first regiment.

Question. Who of these officers you have mentioned attempted to rally the en and save them from the danger of each other's fire ?

Answer. None that I know of.

Question. Were the two mountain howitzers brought into action at Sand creek ? f so, state what was done with them.

Answer. They were brought into action, took position to the left of where e Fort Lyon battalion first took position, and opened fire, doing but little ex- ation—that is, I should judge so, firing up the creek until the Indians were out range—then took position further up the creek, firing across into the opposite ck. They were in action throughout the fight in several different positions.

I think I am mistaken about the Fort Lyon howitzers firing into the opposite bank; I think it was the third regiment howitzers.

Question. Were there any other howitzers than these you have mentioned, engaged in the attack at Sand creek? If so, state what was done with them.

Answer. There were two twelve-pounder howitzers with the third regiment, commanded by Captain Morgan; the third regiment took position to the rear of our first position and opened fire, then following up the Indians, taking several different positions, doing but little or no execution, to the best of my knowledge.

Question. At the time the four howitzers were engaged were any of Colonel Chivington's command on the opposite bank of the creek and exposed to their fire?

Answer. Part of his command were on the opposite bank shooting over the bank at Indians below them, and I thought they were in great danger from the fire of the howitzers, at the time they were firing across the creek. I think only two guns were in action; they belonged to the third regiment. The Fort Lyon howitzers, I think, at that time were out of ammunition.

Question. Was there, at any time during the attack, an American flag displayed over the Indian camp?

Answer. I saw none during the fight; I saw one in the camp after the fight, reported to have been over Black Kettle's lodge.

Question. Do you know of any one giving Black Kettle an American flag, and instructing him what to do with it if soldiers should be seen approaching his camp?

Answer. No, I do not. Major Wynkoop gave him instructions in regard to some signal, but do not know whether it was the flag or not.

Question. Do you know what instructions were given Black Kettle in reference to a signal?

Answer. One was, that in approaching troops or a soldier's camp, to use a white flag or white blanket; that is all the instructions I heard given.

Question. At what time did you leave Sand creek on the day of the attack upon Black Kettle's camp?

Answer. I should judge it was between 3 and 4 o'clock.

Question. Prior to your leaving did you ride over the field? If so, state what you saw.

Answer. I did; saw some dead Indians at that time; I estimated them at one hundred and seventy-five or one hundred and eighty; I do not think there were that many; I do not recollect of seeing one but what was scalped; that is about all. I did not see any rifle-pits.

Question. Were most of the Indians killed and scalped at Sand creek warriors?

Answer. They were not; I should think two-thirds were women and children.

Question. Did any of the Indians escape during the attack upon Black Kettle's camp?

Answer. I should judge they did, a good many.

Question. Were the chiefs, White Antelope, Black Kettle, One-Eye, and Neva, in camp at time of attack?

Answer. Black Kettle, White Antelope, and One-Eye, I think, were; Neva was not.

Question. Were these the same chiefs that were in council with Major Wynkoop on the Smoky Hill?

Answer. They were.

Question. At any time during the attack on Black Kettle's camp did the Indians appear in line of battle?

Answer. Not that I saw.

Question. How did the Indians resist the attack upon them?

Answer. By fighting back. They fought singly or a few in a place where the ground would give them shelter from our fire, and fought bravely. A great

any started towards our lines with hands raised, as if begging for us to spare em.

Question. Were the Indians followed and killed while attempting to escape ?

Answer. They were, some of them.

Question. Were any of the Indian women and children killed and mutilated while attempting to escape ?

Answer. They were ; they were followed and killed, but I do not know when they were mutilated. They were mutilated, though.

Question. Were any prisoners taken at Sand creek ? If so, state what was done with them.

Answer. There were several ; there were two women and two children, Charley Bent, a half-breed, son of Colonel Bent, Jack Smith, half-breed, son of John Smith, Indian interpreter. The two women and children were taken into Fort Lyon by company G of the first regiment. Charley Bent was taken in or sent on by Captain S. S. Soule. Jack Smith, I understood, was murdered. There was one little child but a few months old, brought one day's march from Sand creek and then abandoned ; so I was told by enlisted men of the command. The third regiment had some Indian prisoners. I know nothing of how they were taken or what was done with them. One old squaw came into the fort for food and protection ; she was left by our command at the Indian camp.

Question. What became of the prisoners after being taken to Fort Lyon ?

Answer. The three women and two children were sent by the commander of the post (Major Anthony) up to Colonel Bent's, eighteen miles above Fort Lyon. Charley Bent, who was confined in the guard-house, was released by the officer of the day, and I do not know where he went ; heard he had gone to New Mexico.

Question. Did you take the prisoners to Colonel Bent's ?

Answer. The Indians were sent on in the morning with an escort from Fort Lyon. I was ordered in the afternoon to take an escort of twelve men, I believe, and proceed to Colonel Bent to offer such protection as I might deem necessary. On my arrival there found the river blocked with ice, so that they were unable to cross. Waited until in the night, when the river had frozen over, and then crossed over with the escort and the Indians and delivered them over to Colonel Bent.

Question. Had the lives of those prisoners been threatened by any person or persons ?

Answer. They had ; also Colonel Bent and family.

Question. State what transpired at Colonel Bent's while you were there ;

Answer. Upon my arrival there I found Colonel Bent under guard, left there when the third regiment were going down the country, and in command of Lieutenant Graham, third regiment, who had a guard established over the house and corral. Told Colonel Bent what my instructions were, and quartered my guard in the house. Captain Cree, of the third regiment, arrived that night with a few men and said he had orders from Colonel Shoup to take command of all the troops there, but did not do it, that I know of. Next morning Captain Cree, Lieutenant Graham, and their men left and went up the river on their road to Denver. I remained until the next day and then returned to Fort Lyon.

Question. What did Captain Cree say to you and Colonel Bent he had done to some prisoners ?

Answer. That he had killed them, or they had been killed by his command. That he had started from Denver with them to take them to Fort Lyon ; that they had attempted to get away from his guard, and he had ordered them that in case they made the attempt to kill them, and they had done so. Most of his guard, and I think himself, were ahead of the prisoners at the time they were killed. I think he also stated that he was acting under orders from Colonel Chivington, commanding the district of Colorado. He also stated that they left them on the

plains or prairie, and that Colonel Chivington had issued an order that he would hang any "son of a bitch" who would bury their bodies or bones. I believe that's about all.

Question. Do you know what became of the stock and other property captured at Sand creek by Colonel Chivington's command?

Answer. Part of it I understood was turned in to the quartermaster at Denver. A large portion of it was stolen and run off by officers and men of the third regiment. This I learned by report; part of the stock I saw on my trip from Fort Lyon to Denver. The camp plunder that was taken was mostly in the hands of the soldiers, and I do not know what was done with it.

Question. State whether the property captured, excepting the stock, was of any value or not.

Answer. It was. There were a great many buffalo robes—probably two hundred or three hundred—which would be worth from fifteen to twenty dollars apiece. The camp fixings or trinkets were of no real value, but they would have brought a considerable amount of money, could they have been sold at auction. There were some few guns taken which were valuable.

Question. Was the stock at Fort Lyon, taken at Sand Creek, turned over to Captain Johnson, third regiment Colorado cavalry?

Answer. It was.

Question. In whose possession was that stock you saw on your way from Fort Lyon to Denver?

Answer. In the possession of citizens living on the Arkansas and Fountain-qui-bouit; I do not know their names.

Question. Did they say how they came in possession of it?

Answer. They did not. I had no conversation with them in regard to it.

Commission adjourned until 9½ a. m. to-morrow, March 2, 1865.

NINETEENTH DAY.

MARCH 2, 1865.

Commission met pursuant to adjournment. Present, all members and recorder.

Proceedings of yesterday read and approved.

On February 28, 1865, Colonel Chivington applied to the commission to obtain for him, from the Indian bureau at Washington, D. C., a copy of Governor Evans's report of proceedings of a council with the Indians at Camp Weld about the 27th of September, 1864, and, on March 1, 1865, from the Adjutant General's office, Washington, D. C., an authenticated copy of General Blunt's report of battle had by that officer with the Indians about the 25th September, 1864, or near the headwaters of the Pawnee fork of the Arkansas river. Commission decided to make an application for the papers mentioned, and instructed the recorder to apply for them by letter.

Examination of Second Lieutenant Joseph A. Cramer, veteran battalion Colorado cavalry, by the commission, in presence of J. M. Chivington, lieutenant colonel, &c., continued:

Question. At any time during the summer and fall of 1864 did the Indians send challenges to the commander of Fort Lyon to come out and fight them?

Answer. Not that I heard of. The Sioux, I understood, did. It may have been considered a challenge. They, I understood, sent in word that they had come to this country to fight, and were going to fight.

Question. Where were the Sioux reported camped in the fall of 1864?

Answer. On a branch of the Smoky Hill.

Question. In what direction, and how far, from Fort Lyon?

Answer. About ninety miles, in a northerly direction.

Question. Did you ever hear of Black Kettle's band of Cheyennes committing depredations upon the lives and property of the whites?

Answer. I have, since the fight at Sand creek; before that I did not.
Direct examination of Second Lieutenant Joseph A. Cramer closed.

Cross-examination of Second Lieutenant Joseph A. Cramer, by J. M. Chiv-ton, late colonel, &c.:

Question. State, if you know, whether Major Wynkoop was ordered or directed go out on Smoky Hill, or to treat with the Indians, by any officer, civil or military, during the summer or fall of the year 1864.

Answer. I think he was not.

Question. State, if you know, whether Major Wynkoop had any information to the number of Indians he would probably meet on the Smoky Hill expedition, before starting out on that expedition?

Answer. I don't know anything about it, whether he had any of that kind of information or not.

Question. If you know, state what information Major Wynkoop had as to white prisoners being in possession of the Indians, before starting out on the Smoky Hill?

Answer. The information he had he got from a letter written by George Bent by instructions from the chiefs—it was signed by Black Kettle and other chiefs—and what he learned from One-Eye and Min-im-mie.

Question. What was contained in the letter you have mentioned?

Answer. Stating that they held seven (7) white prisoners, and that they wanted to have a talk, or make peace; that we held in Denver some of their Indians prisoners, and that they would give up theirs if we would do the same, and a peace would be made.

Question. What was stated by One-Eye and Min-im-mie?

Answer. The substance was the same as contained in the letter, and that we might hold their lives as pledges that they acted in good faith.

Question. Did the chiefs signing the letter represent therein, or did One-Eye or Min-im-mie pretend that they acted on behalf of, the Sioux?

Answer. Not as I understood it. They were acting in their own behalf. I think that One-Eye stated that, if a treaty was made, the Sioux wanted to be considered in.

Question. Did the letter contain a request, or did One-Eye or Min-im-mie request, that a council should be held by Major Wynkoop with the Indians, for the purpose of discussing the matter referred to in the letter?

Answer. They did; both the letter and the two Indians.

Question. Was any suggestion made in the letter, or by One-Eye or Min-im-mie, respecting the place where, and the time when, the council should be held?

Answer. Not in the letter. I think by Min-im-mie and One-Eye there were.

Question. What were these suggestions?

Answer. That we should either go to the Indian camp, or the Smoky Hill, or if Major Wynkoop would let one of them go ahead to notify the Indians they would come out and meet us.

Question. How were you made acquainted with the object of the expedition of Major Wynkoop?

Answer. By the council of officers held in Major Wynkoop's room, previous to our starting.

Question. What, if any, course was determined upon in that council?

Answer. The course determined on was, to go and hold these Indians as hostages for their good faith.

Question. What number of Indians did Major Wynkoop's command encounter on that expedition?

Answer. I should judge about seven hundred warriors.

Question. To what tribes did the Indians referred to in your answer belong?

Answer. Cheyennes and Arapahoes principally. I think there were some Sioux, but I am not positive about that.

Question. How far was Major Wynkoop's command from Fort Lyon, when the Indians were first met?

Answer. From one hundred and twenty to one hundred and forty miles; probably one hundred and forty miles.

Question. How far from Fort Lyon is the place where the council between the officers of Major Wynkoop's expedition and the Indians was held?

Answer. Held from two to four miles from where we first met the Indians.

Question. Did or did not the Indians make any hostile demonstrations towards Major Wynkoop's command?

Answer. I think they did, until One-Eye was sent on ahead to acquaint them who we were, and that we did not come to fight them.

Question. What were those hostile demonstrations?

Answer. Merely making signs or signals to the Indians in their rear, and riding or remaining in such positions as to be able to fight.

Question. How near was Major Wynkoop's command to the Indians when One-Eye was sent forward to communicate with them?

Answer. About a half or three-quarters of a mile.

Question. Did Major Wynkoop continue his march after One-Eye was sent forward, or did he halt and wait One-Eye's return?

Answer. He halted, formed a line of battle, and there remained until One-Eye had joined the Indians, and then I think moved on.

Question. In what order did Major Wynkoop's command and the Indians proceed from the place where the Indians were first met to the place where the council was held?

Answer. In line of battle part of the way, and part of the way in squadron columns. Some few of the Indians joined us on the march, and showed us where we would find some water.

Question. Did not the Indians encircle the rear of Major Wynkoop's command, and proceed in that way from the place where they were first met to the place where the council was held?

Answer. They did not. But very few Indians came to us that night at all; probably not more than fifty or seventy-five. Some few came up after we had camped, and showed us where we could get water by digging; as Major Wynkoop had not camped where the Indians had told him, there was no water, but took a position so as to be able to defend his command.

Question. Did or did not the Indians make any hostile demonstrations toward Major Wynkoop's command after One-Eye was sent forward to communicate with them?

Answer. Not at that time; not that night.

Question. At what time in the day, and upon what day of the month, was the council held?

Answer. The council was held I think upon the 10th day of September, about 11 o'clock in the day. It may have commenced at 9 a. m.

Question. Did the Indians commit any acts of hostility on the day in which the council was held?

Answer. None that I know of. Their actions were considered hostile, but they claimed them not to be; and after Major Wynkoop had spoken with some of the chiefs, their acts were friendly.

Commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

Cross-examination of Second Lieutenant Joseph A. Cramer, by J. M. Chirington, continued:

Question. What were the actions of the Indians on the day on which the council was held?

answer. Singing, and having a general pow-wow, which the chiefs interpreted as their manner of rejoicing, to think that we were going to make a treaty with them. They fired their guns and revolvers in the air.

Question. What were the acts of the Indians which were regarded as acts of hostility by persons in Major Wynkoop's command?

Answer. Those that I have just mentioned, and being drawn up in line of battle, and forming a circle or a partial circle around us, as Major Wynkoop was marching in line of battle with train driven in form of corral. The Indians thought that they thought it looked more like fighting than coming to talk, or make peace. But when told by Major Wynkoop if they did not keep further back we would fire on them, we had no further difficulty in making our camp.

Question. Did or did not the Indian warriors come into Major Wynkoop's camp during the time the council was being held?

Answer. They did.

Question. Did their coming into Major Wynkoop's camp cause any apprehensions of danger among the officers of Major Wynkoop's command?

Answer. I can speak only for myself. I thought there was no greater danger than when marching into camp.

Question. What was the conduct of the Indian warriors when in Major Wynkoop's camp?

Answer. Friendly. At one time when Lieutenant Hardin was attempting to form in line the men of Major Wynkoop's command just outside of the council, the Indians commenced loading their guns and stringing their bows. Lieutenant Phillips acquainted me with the fact of Lieutenant Hardin's actions, and requested me to stop it if possible, which I did. No other acts on the part of the Indians, after this, could be construed as hostile.

Question. What was the object of Lieutenant Hardin's forming line with the troops while the council was going on?

Answer. That is more than I can tell.

Question. Who was the officer of the day at the time the council was held?

Answer. Lieutenant Hardin.

Question. Do you know of any request being made by any of the officers of Major Wynkoop's command to the Indian chiefs in council, that the Indian warriors should withdraw from Major Wynkoop's camp?

Answer. I do not recollect of any until after the council was over. Then, I think, Major Wynkoop told Black Kettle that he had them or part of them go outside. I am not positive that this occurred.

Question. Did you hear Lieutenant Hardin make any statement to the effect that the Indians were in the camp, and that he could not keep them out of the camp?

Answer. After we were on our return to Fort Lyon, I did; while in camp, I think I did not.

Question. State as nearly as you can the number of Indian warriors in Major Wynkoop's camp at the time the council was held.

Answer. All that were present. I have previously stated the number.

Question. Did you hear any of the officers of Major Wynkoop's command, on the day on which the council was held, express any fears of an attack from the Indians? If so, give the names of such officers, and what was said by them.

Answer. I don't think that I heard any one express fears of an attack. At the time that Lieutenant Phillips acquainted me of the fact of Lieutenant Hardin's falling in the men, I think he said that I would have to stop it or we would be massacred, and that our only show now was to show them a reckless difference. I also told the men of my command that they must take the thing cool, and keep but a few in a place, only a sufficient number to defend themselves, for if we did anything that looked like fighting, I thought it would bring a fight with the Indians; and also to keep near the wagons so as to use them

to fight behind in case we were attacked; that if they would let the Indians see that we did not care which way the thing went, we would have no trouble.

Question. By whose order was the act of Lieutenant Hardin forming the men in line stopped?

Answer. I don't know of anybody but myself; I taking the responsibility of ordering the company which I commanded (K) to disperse and keep near the wagons.

Question. Were you Lieutenant Hardin's superior officer?

Answer. I was not, particularly when he was officer of the day. He was a first lieutenant.

Question. State, if you know, whether Major Wynkoop gave any orders concerning the keeping the Indians out of camp.

Answer. He did. So he stated, and so Lieutenant Hardin admitted.

Question. What were those orders?

Answer. To allow no Indians in camp without his permission. That when the chiefs arrived, to notify him, and he would pass them in with a few of their friends. His orders were to form his guard around the camp and the horses, which were picketed out near the camp.

Question. State if you know whether any of the officers of Major Wynkoop's command entertained any apprehensions of danger from the Indians on the day of the council or the day preceding that day.

Answer. Yes; I think they all did.

Question. Who acted as interpreter to Major Wynkoop on the expedition?

Answer. John Smith; also George Bent, in some instances, as he was asked by Major Wynkoop if the interpretations were correct.

Question. Did John Smith regard the conduct of the Indians as hostile or otherwise?

Answer. I think he regarded it as otherwise. That he expressed no fears until after Bull Bear spoke in council, and then I think he said, I have now got to talk for my life. After Black Kettle spoke I think that he then stated that it was all right.

Question. Did the Indians at any time say that they were prepared to fight Major Wynkoop's command, and willing to do so, or substantially that?

Answer. I think not. Bull Bear may have said it, as he stated that he believed the only thing left for them was to fight; that the whites were not to be trusted.

Question. State whether there was a battery or portion of a battery with Major Wynkoop's command.

Answer. There were two pieces, 12-pounder howitzers, commanded by Lieutenant Hardin.

Question. State, if you know, whether the Indians got possession or control of these howitzers, or either of them, or handled, or in any way interfered with them, or either of them, during or before the time the council was held.

Answer. I don't know anything about it. Heard it reported in camp that one of the Indians attempted to put grapes into the vent of the howitzers, one or both, but was shoved away by the soldiers on guard at the time, and no more allowed to approach near them.

Question. Did Major Wynkoop state to the Indians in council that any person had power to make peace with them on behalf of the government? If so, who did he say had such power?

Answer. Governor Evans, or the authorities east.

Question. Did Major Wynkoop represent to the Indians that it was probable that peace could be made with them?

Answer. He did, if they would do as he proposed.

Question. Did Major Wynkoop desire the Indians to send their chiefs and headmen to Denver with him?

Answer. He did.

Question. Was there anything said in the council between Major Wynkoop and the Indians respecting the terms upon which peace was to be made?

Answer. I think not. Major Wynkoop proposed to them that if they would give up their prisoners, that would be an evidence of their good faith, and would be instrumental in bringing about a good peace. He stated to them at the opening of the council, that he was not big enough chief to make any peace or propose of a treaty, but that he could use his influence in their favor, providing they did as he wished them to do.

Question. Did the Indians in council make any statements as to how, and when and where they came into possession of the white captives then in their hands? If so, what were these statements?

Answer. I think they made none, only in regard to the prisoner Laurie Rorer, whom they stated they had bought of other Indians. I did not understand what Indians. Part or all of the other prisoners were then in the hands of the Sioux.

Question. Did the Indians in council with Major Wynkoop make any statements as to whether they had ever committed any acts of hostility against the whites, or joined in the commission of such acts? If so, what were those statements?

Answer. They made a statement in regard to some of the men of their tribes joining with the Kiowas at Fort Larned in taking the stock at that post; also in the fight with Lieutenant Eayres, on the Smoky Hill, and the fight with Lieutenant Dunn. Black Kettle spoke of some of his young men, about the time or after he had left Fort Larned, going off in small war parties and committing some depredations. What they were I did not understand. I think the murdering of Snyder and two other men, near Colonel Boone's, was spoken of. I think it was Little Raven's brother, an Arapahoe, and his party were the ones that killed them. Neva also acknowledged to be the one that was near Fort Lyon, and had the fight with my command, on the 11th of August.

Question. State, if you know, whether the Indians in council with Major Wynkoop did, or did not, represent that they were authorized to act for the entire tribes of Arapahoes and Cheyenne Indians? If so, what statements were made by them?

Answer. I think the whole Cheyenne and Arapahoe nations living in that part of the country were represented in that council, and that they were willing and would be guided by Black Kettle's actions.

Question. Were any statements made by any of the Indians in council, or elsewhere, to the effect that any of the Indians of their tribes were then out upon the war path? If so, what were those statements?

Answer. That there were two or three small war parties still out, and that he was using and would use his utmost endeavors to bring them in. This, I think, was stated by Black Kettle.

Question. At what council was the statement made?

Answer. Smoky Hill.

Question. State, if you know, whether any of the Dog soldiers were with the band of Indians encountered by Major Wynkoop's command.

Answer. There were. I think their head chief was there. I know his name was Bull Bear, as I understood it.

Question. Was anything said by the chiefs in council with Major Wynkoop as to their ability to control the Dog soldiers? If so, what was it?

Answer. That owing to the difficulties that had occurred they had been unable to control all of them, and unless a treaty was made they would be unable to do so.

Question. What proportion do the Dog soldiers bear to the fighting strength of the Arapahoes and Cheyenne Indians?

Answer. I do not know.

Question. Can you state what number of Dog soldiers were with the band of Indians encountered by Major Wynkoop's command?

Answer. I cannot.

Question. State, if you know, whether the Indians encountered by Major Wynkoop's command had, at that time, their squaws and children with them.

Answer. They had not.

Question. Did the Indians in council with Major Wynkoop make any statement respecting the purpose for which they visited that part of the country?

Answer. They came down there for the purpose of getting plums and grapes, and for grazing their stock.

Question. Were the Indians encountered by Major Wynkoop's command armed? And if so, how were they armed?

Answer. They were armed with bows and arrows, guns, revolvers, and lances.

Question. What proportion of the Indians had guns or revolvers?

Answer. The majority had guns, and a great many revolvers.

Question. Was anything said by the Indians respecting a large band of Sioux being near the place where the council was held? If so, state what was said.

Answer. I think there was; that they had been camped but a few miles—I think they said sixteen miles—from where we were, but had gone over on to the Republican.

Question. If anything was said by the Indians in council with Major Wynkoop relative to peace with the Sioux, state what was said.

Answer. That the Sioux did not wish a peace made unless they were interested in it.

Question. What, if anything, did the Indians say respecting their ability to procure the white captives then in possession of the Sioux?

Answer. That they thought it would be difficult to do so, owing to the fact that Major Wynkoop had excluded them, as he did not feel authorized to make any promises in regard to them.

Question. What, if anything did they say as to the number of white prisoners in their possession and in possession of the Sioux?

Answer. I am not positive that there was but one in possession of the Cheyennes and Arapahoes.

Question. Did the Indians in council make any promises to the effect that they would return all the captives to Major Wynkoop? If so, what were those promises?

Answer. They would return them if they could procure them, and they would do their best to procure them.

Question. Were any reasons assigned by the Indians after bringing in the few captives of whom you have spoken, why they did not bring the other white prisoners?

Answer. Owing to the time given by Major Wynkoop, they were unable to procure them.

Question. What were the terms upon which Major Wynkoop agreed to protect the Indian chiefs to Denver and back, and to use his influence to obtain a treaty of peace?

Answer. That they would deliver up the white prisoners in their possession.

Question. Was anything said as to the number of prisoners which should be so delivered?

Answer. At the time the proposition was made there was not.

Question. Was anything said respecting the number of prisoners to be delivered before or after the time when the proposition was made?

Answer. There was, afterwards. Black Kettle stated that he would procure what he could in the time given, and if he did not procure all of them he would

some of his men over there to buy them, and would have them brought into fort.

Question. How many white prisoners were delivered in accordance with this agreement?

Answer. Four.

Question. How long did the council between the Indians and Major Wynkoop continue?

Answer. Until about two p. m., I should judge.

Question. Did the Indian warriors remain in the camp during the whole of the time the council was in session?

Answer. All that did come in I think remained there until a fire broke out in the camp, the wind driving it towards our wagons. A great many of them came out and assisted in putting it out.

Question. What reason, if any, was assigned by the Indians for advising Major Wynkoop to move his command nearer Fort Lyon after the council was held?

Answer. For fear a difficulty might occur between some of his young men and our soldiers.

Question. How did it occur that you and the officers of Major Wynkoop's command owed your lives to Black Kettle and his band of Indians, as stated in your direct examination?

Answer. Because if it had not been for them the Indians would have cleaned us out.

Question. If the Indians had given battle to Major Wynkoop's command, what, in your opinion, would have been the result of that battle?

Answer. We would have all been killed.

Question. After the council between the Indians and Major Wynkoop, did the Indians return to Major Wynkoop's camp? and if so, in what number did they return?

Answer. They had not left it after the council.

Question. After Major Wynkoop's command left the place where the council was held, did the Indians return to Major Wynkoop's command? and if so, in what number did they return?

Answer. From twenty to forty families and thirteen chiefs returned.

Commission adjourned until 9½ a. m. to-morrow, March 3, 1865.

TWENTIETH DAY.

MARCH 3, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. The quartermaster's department having failed to furnish the commission rooms with wood, the commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

Proceedings of yesterday read and approved, with the following amendments: page 211, first line to last answer, to read, nearly all, &c.; page 220, fifth line first answer, to read, "and said that they were willing," &c.

Cross-examination of Second Lieutenant Joseph H. Cramer, veteran battalion, by J. M. Chivington, continued:

Question. State, if you know, whether Lieutenant Hardin made any report to Major Wynkoop respecting the Indians during the time the council was in session.

Answer. I do not know, but think not.

Question. Were there any Indians in Major Wynkoop's camp at the time that Lieutenant Hardin attempted to form the soldiers of the command into line?

Answer. There were—all of them.

Question. Did not Lieutenant Hardin attempt to form the soldiers in line for the purpose of drawing the Indians from the camp?

Answer. I do not know.

Question. Did the Indians in council with Major Wynkoop make any statements as to why they went to Fort Larned before coming to the vicinity of Fort Lyon?

Answer. No, not that I know of.

Question. Do you know whether Major Wynkoop made any statement to the Indians, to the effect that he or the military authorities would take the white prisoners then in their possession by force if they (the Indians) did not give them up voluntarily?

Answer. He did.

Question. What were those statements?

Answer. That he had come to get them by peaceable means, if possible, and forcible means if necessary.

Question. What number of Indians accompanied Major Wynkoop's command to Fort Lyon?

Answer. About from twenty to forty families, and thirteen chiefs.

Question. Did Major Wynkoop make any statements to the Indians to the effect that they were to treat with Colonel Chivington for peace?

Answer. I think not.

Question. Were the proceedings of the council at Camp Weld, near Denver, reduced to writing by any person? If so, by whom?

Answer. There were two or three taking notes; I think Amos Steck and Major Whiteley.

Question. During the time that you were present at the Camp Weld council, did Colonel Chivington make any statements or propound any questions to the Indians?

Answer. I think not. I think that the questions were all asked by the governor.

Question. State if you know whether Colonel Chivington received any orders or instructions from Major General Curtis in relation to treating with the Indians for peace shortly before the Camp Weld council.

Answer. Not that I know of; heard that he received a telegram after the council.

Question. State if you know whether the Indians in council at Camp Weld made any statement to the effect that they had not come to talk of the past, and they were willing to let bygones be bygones. If so, what was that statement?

Answer. I think that they made the statement as the question reads.

Question. What white persons were present at the Camp Weld council?

Answer. Governor Evans, Colonel Chivington, Colonel Shoup, Major Wynkoop, Amos Steck, J. Bright Smith, Captain Wanless, John Smith, Indian interpreter, Captain Rollins; I think James McNassar, Simeon Whiteley; several others—I have forgotten the names.

Question. Were any statements made to the Indians at the Camp Weld council, in your hearing, in relation to treating with the Indians for peace at some time thereafter? If so, by whom were those statements made, and what were they?

Answer. Governor Evans stated that it was in the hands of the military authorities, and he would not interfere until such times as he could hear from the east.

Question. Did any one state to the Indians at the Camp Weld council, in your hearing, that he would use his influence to bring about a treaty between them and the United States, or substantially that? If so, who made such statement?

Answer. Major Wynkoop, I think, told in council of the pledges he had made to the Indians, and, as I understood it, Colonel Chivington indorsed his actions throughout. I think Governor Evans also stated that he would do what he could to have a peace established.

Question. Did Governor Evans make the statement mentioned in your last answer to the Indians?

Answer. To the Indians through the interpreter.

Question. How did you get your understanding as to Colonel Chivington's indorsement of Major Wynkoop's cause?

Answer. From what I heard him say.

Question. Was anything said to the Indians at the Camp Weld council to the effect that Indians who had committed depredations upon the whites would have to be delivered to the whites to be punished? If so, what was it, and who made the statement?

Answer. Colonel Chivington made the remark to them that the stock would have to be given up, and the Indians who had committed the depredations punished, before a peace could be made. I do not recollect whether this was directly to the Indians or not. It might have been between himself, Colonel Shoup, and Governor Evans.

Question. At what time did the Indians who were at the Camp Weld council arrive at Fort Lyon after the council was held?

Answer. I think about the 14th of October, 1864.

Question. Did you find any Indians at Fort Lyon on your return after the Camp Weld council? If so, what was their number, and to what tribe or tribes did they belong?

Answer. There were some there belonging to the Cheyennes and Arapahoes. I do not know how many.

Question. State if you know whether Major Wynkoop gave any directions to the Indians who were at the Camp Weld council, after his return to Fort Lyon. If so, state what those directions were.

Answer. I don't know, as I was not in the council held after their arrival at Fort Lyon.

Question. If you know, state whether any Indians came into Fort Lyon after your return to that place from the Camp Weld council. If so, state the number as near as you can.

Answer. The Arapahoes came in; I think altogether five hundred and fifty-seven.

Question. At what time did the Indians come in, as stated in your last answer, and how long did they remain?

Answer. I think about ten days after my arrival there, and remained until about the 20th of November, 1864.

Question. Were there any Cheyenne Indians, who came into Fort Lyon after the Camp Weld council? If so, state the number as near as you can.

Answer. There were some came in, but cannot tell how many; perhaps fifty lodges.

Commission adjourned until 9½ a. m. to-morrow, March 4, 1865.

TWENTY-FIRST DAY.

MARCH 4, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of yesterday read and approved.

Cross-examination of Second Lieutenant Joseph A. Cramer, veteran battalion first Colorado cavalry, by J. M. Chivington, late colonel, &c., continued:

Question. Why did the Indians, of whom you have spoken, leave Fort Lyon on or about the 20th November, 1864?

Answer. By order of the commander of the post; *i. e.*, in reference to the Cheyennes. I do not know whether the Arapahoes had any such orders or not, but think they did.

Question. What time did the Arapahoes leave Fort Lyon?

Answer. About the same time the Cheyennes did.

Question. Do you know of the commander at Fort Lyon taking any steps to disarm the Indians at Fort Lyon at any time after the Camp Weld council?

Answer. Yes.

Question. What were the steps taken by him?

Answer. Ordered the Indians to give up their arms, and sent one of the officers at Fort Lyon down to their camp to take them.

Question. Did the Indians comply with such order, and give up their arms?

Answer. They gave up some; I don't know how many.

Question. State if you know whether the arms given up by the Indians were ever returned to them by the commander at Fort Lyon. If so, when were they returned?

Answer. I do not know of their being returned.

Question. Do you know anything as to the commander at Fort Lyon making any demand for stock alleged to have been stolen by the Indians? If so, state what you know.

Answer. The demand was made, and all the stock in their possession then was given up.

Question. How much stock was given up, as stated in your last answer?

Answer. I do not know.

Question. State as nearly as you can the number of animals given up.

Answer. I have no idea at all about it.

Question. State as nearly as you can the number of adult males among the Indians who came in and camped near Fort Lyon.

Answer. About one-fifth of the whole number, I should judge.

Question. State if you know whether there were any Dog soldiers among the Indians who came in and camped near Fort Lyon. If so, what was the number of Dog soldiers?

Answer. I do not know of any being there.

Question. How were the Indians subsisted while at Fort Lyon?

Answer. The officers at the post made up a contribution for the Cheyennes, and prisoners' rations were issued to the Arapahoes by the commander of the post or Indian agents.

Question. How long did Major Wynkoop remain in command at Fort Lyon after the Camp Weld council?

Answer. From ten to twenty days after my arrival at Fort Lyon.

Question. By whom was he succeeded?

Answer. Major Scott J. Anthony, first cavalry of Colorado.

Question. Do you know anything of the Indians at Fort Lyon being fired upon by the soldiers while at that post? If so, state what you know.

Answer. There was one fired upon by one of the guard, as she did not halt when told to.

Question. Did Major Anthony make any statement in your hearing on or about the 28th of November, 1864, as to whether he joined Colonel Chivington's command voluntarily or in obedience to orders? If so, what statement did he make?

Answer. He stated that Colonel Chivington wanted him to go; but I do not recollect whether he said he ordered him or not, but think he did not order him. I think he said Colonel Chivington said he did not feel authorized to issue any orders in regard to troops situated at Fort Lyon.

Question. Did any person or persons state to you the object of Colonel Chivington's expedition on or about the 28th of November, 1864? If so, who made such statements, and what were they?

Answer. Major Anthony made a statement in regard to the object of the expedition, and that the object of the expedition was to go to the Indian camp, take the stock, and kill the Indians who had committed depredations the previous winter, spring, and summer. To save Black Kettle and his band, and to go to the Sioux Indian camp on the Smoky Hill.

Question. Did Colonel Chivington, at any time prior to the battle of Sand Creek, state to you the object of his expedition?

Answer. I heard him say he was in favor of killing all the Indians he came to.

Question. Do you know anything of a messenger being sent from Fort Lyon or about the 27th or 28th of November, 1864, to Little Raven or his band of Indians, to inform him or them of the presence of Colonel Chivington's command in that vicinity? If so, state what you know?

Answer. I do not know anything about it. This is the first time I heard of such a thing.

Question. Were all the Indians attacked by Colonel Chivington's command or about the 29th of November, 1864, at any time encamped at Fort Lyon?

Answer. No; there were but very few of them.

Question. What is the course of Sand creek at the place where the battle took place on the 29th of November, 1864?

Answer. About east and west.

Question. On which bank of the creek was the Indian village located?

Answer. On the north bank.

Question. State as near as you can the number of Indians there at the time the fight began, on the 29th of November, 1864.

Answer. About five hundred I should judge.

Question. How many lodges were there? State as near as you can.

Answer. About one hundred. I was told by a man that counted them, there were one hundred or one hundred and three.

Question. To what battalion or military organization did your company belong?

Answer. To the Fort Lyon battalion, commanded by Major Anthony.

Question. Did you receive any orders from Major Anthony, or any other field officer, after the battle began, and before the termination thereof? If so, what were those orders?

Answer. I received orders from Major Anthony to move my company to the left, to the bank of the creek, and there remain until further orders, so as to be out of danger of the fire from Colonel Chivington's command.

Question. State how long after the battle began you received the order mentioned in your last answer.

Answer. But a few minutes.

Question. Did you receive any other orders than that you have mentioned? If so, from whom, and how long after the battle began?

Answer. I received an order from Mr. Gill to burn the Indian village. I received an order from Colonel Chivington to furnish four or five men as messengers back to Fort Lyon or the train. Was hallooed at by some one in the third regiment battery to get out of the road, as they were going to open fire. In the afternoon received an order from Major Anthony to go with my company back to the train. The order of Mr. Gill was received half an hour after the battle began. The order from Colonel Chivington a little before, or about the time the battle closed. The order from Major Anthony about two hours after the fight.

Question. Did you move from the position which you assumed in compliance with Major Anthony's order, first received by you, during the progress of the fight? If so, by whose order did you move?

Answer. I did move from the position. I was hallooed at by some one, (I don't know whether it was an order or not,) to get out of the road, as they were going to fire with the battery.

Question. On which bank of the creek did you first take position after the battle began?

Answer. On the north.

Question. How long did you remain on the north bank of the creek?

Answer. During the fight.

Question. How far did you move from the position first assumed by you, during the fight, and in what direction?

Answer. Up the creek perhaps three or four miles.

Question. How far along the line of the creek did the battle extend?

Answer. Perhaps three or four miles.

Question. Did the men of your company remain in rank, and effect their movements as a military organization throughout the fight?

Answer. They did not.

Question. How long after the battle began did the men of your company remain in rank?

Answer. From one half to one hour.

Question. Did the men of Colonel Chivington's command remain in rank, and conduct the battle in squadrons, companies, battalions, or regiments, throughout the battle, or in a disorderly manner?

Answer. I should call it a disorderly manner.

Question. What were the positions respectively of those bodies of soldiers whom you have spoken as being endangered by each other's fire?

Answer. On the opposite banks of the creek, nearly opposite each other, and but two hundred or three hundred yards apart, and in no regular order, all appearing to do as they thought best.

Question. Did the bodies of soldiers of whom you have spoken as being under each other's fire assume those positions in ranks and by companies, or in disorderly manner?

Answer. In a disorderly manner; and partially by companies.

Question. State if you know whether they assumed those positions by order of any field officer, or otherwise.

Answer. I do not know.

Question. At how many different times during the progress of the battle did you see soldiers under the fire of other soldiers, and what was the number of soldiers so under the fire of other soldiers, and how long did they remain in that position? State as nearly as you can.

Answer. After the first hour nearly all the command was in that position throughout the fight.

Question. Upon which side of the creek did John Smith attempt to make his escape in the manner stated by you in your direct examination?

Answer. On the north side.

Question. To what company, battalion or regiment did the soldiers belong who cried out, "shoot the son of a bitch?"

Answer. I should judge, from the third regiment, as it came from our rear.

Question. To what company, regiment, or battalion did the soldiers belong who fired on John Smith and the man with the white flag?

Answer. I should judge from the third regiment, as I saw none of our battalion firing at the time.

Question. What was the position of the third regiment at the time that John Smith and the man with the white flag attempted to approach the command?

Answer. To our right and rear; one battalion of it was across the creek.

Question. On what bank of the creek was the third regiment at that time?

Answer. Part of it on the north and part on the south bank.

Question. Upon which bank of the creek were the men who fired on Smith and the man with the white flag?

Answer. On the north bank I should judge.

Question. Upon which bank of the creek was George Pierce at the time he was shot?

Answer. On the north bank.

Question. How far were you from the place where he fell at the time he was shot?

Answer. Fifty or sixty yards.

Question. What efforts did he make to save Smith that led to his being shot?

Answer. He rode his horse around Smith so as to prevent soldiers from shooting in that direction.

Question. When did you return to the battle-field after the battle was ended?

Answer. We were then on the battle-field.

Question. At what time did you leave the battle-field after the battle was ended?

Answer. Between 3 and 4 o'clock.

Question. Did you return to the battle-field after that time? If so, when?

Answer. I did not return.

Question. At what time did you ride over the field after the battle was ended?

Answer. On my way back to the Indian village.

Question. Did you ride over the entire field after the battle was ended?

Answer. I did not.

Question. Over what portion of the field did you pass?

Answer. Nearly all of it; through the centre, down the creek.

Question. How did you pass along the creek in the manner stated in your last answer?

Answer. I stated the whole length from the upper end of the battle-ground to the Indian village.

Commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

Cross-examination of Second Lieutenant Joseph A. Cramer by J. M. Chivington, continued:

Question. State, if you know, whether those Indians who escaped from the Sand Creek battle-field were men or squaws, and to which sex the majority belonged.

Answer. They were men, squaws, and children; the majority of them were squaws and children.

Question. State, if you know, when Major Wynkoop gave Black Kettle instructions as to signals to be used by him.

Answer. The only kind I know anything about was on our Smoky Hill trip; heard that he gave some instructions at Fort Lyon, after our return from Denver.

Question. Who, if any one, gave the white persons who were in the Indian camp at Sand creek permission to go there?

Answer. Major Anthony, I understood; also the Indian agent, Major Colley.

Question. In what military district was Fort Lyon and the place where Major Wynkoop held the council with the Indians on the Smoky Hill and the battle-field of Sand creek at the various times when the events you have mentioned took place?

Answer. District of the Upper Arkansas.

Question. Who was in command of that district at those times?

Answer. Major General Blunt part of the time and Major Henning.

Question. Do you know anything as to any of the troops at Fort Lyon during the summer or fall of 1864 being ordered to assist the Cheyennes and Arapahoes in fighting the Ute Indians?

Answer. No.

Question. Do you know anything as to troops at Fort Lyon going out to assist Arapahoes or Cheyennes against the Ute Indians?

Answer. No.

Question. Do you state that Captain Cree stated in your presence that he was acting under orders from Colonel Chivington in killing prisoners in his possession?

Answer. I did. After stating the circumstances of the killing of those prisoners, he then said he was acting under orders from Colonel Chivington.

Question. Do you know anything as to officers of Major Wynkoop's expedition giving whiskey to Indians while out on the expedition to the Smoky Hills? If so, state what you know.

Answer. I do not.

Question. State, if you know, whether whiskey or other intoxicating liquor was used by officers of Major Wynkoop's expedition while out upon that expedition. If so, state whether the same was used freely or otherwise.

(Question objected to by Lieutenant Colonel Samuel F. Tappan for the same reason objection was made to a similar question, made during the cross-examination of Captain Silas S. Soule.

Objection sustained by the commission.)

Question. What was your means of knowledge as to stock and other property taken at Sand creek having been stolen by men and officers of the third regiment?

Answer. What I heard reported and what I saw.

Question. From whom did you hear reports and what were those reports respecting such stock and other property?

Answer. I can't tell who I heard them from. One report was that one of the officers of the third regiment, I think a captain, had sold quite a number of ponies, giving a bill of sale for the property, and that the officers and men on their road to Denver were constantly running off stock, and leaving it at intervals along the route, and a good deal was run off after arriving at Denver.

Question. If you can do so, give the name of the officer or officers of the third regiment concerning whom you heard such report.

Answer. Captain Baxter was one who I heard had a lot of this stock, and that Captain J. J. Johnson, who had the stock in charge, knew of its being stolen.

Question. What did you see which led you to believe that such stock and other property had been stolen?

Answer. I saw some of the stock.

Question. Where did you see such stock, and in whose possession did you see it?

Answer. I do not know in whose possession; I saw it on my road from Fort Lyon to Denver, and reported the fact to Colonel Moonlight, commander of the third regiment.

Question. At what time did you see it, and how much did you see?

Answer. I saw it in the month of January, 1863; I probably saw twenty to fifty head.

Question. Where was the stock when you saw it?

Answer. Between Sand Creek and Fountain-qui-bouit.

Question. State the distance from Fort Lyon to department and district headquarters.

Answer. About three hundred and fifty miles to district headquarters, and out four hundred and fifty or five hundred miles to department headquarters; district headquarters was at Fort Riley; department headquarters at Fort Leavenworth, Kansas.

Question. State the facilities for communicating at that time with department and district headquarters, and the time necessary to transmit a letter to each and return.

Answer. The facilities were very poor, as we had only a weekly mail, and could take about a month to hear from department headquarters and about three weeks from district headquarters.

Question. Did Black Kettle in council claim that the Dog soldiers of his tribe were under his control?

Answer. He admitted it indirectly by saying that he had been unable to control all of them, and would be unless a treaty was made.

Question. At the time the Indians commenced loading their guns and stringing their bows in camp on Smoky Hill, were the chiefs in council with Major Wynkoop and other officers?

Answer. They were.

Question. Did the chiefs at the time make any efforts to prevent an outbreak or attack by the warriors?

Answer. I do not know, as I was absent from the council at that time.

Question. Did you consider the actions of the Indians while in Major Wynkoop's camp on the Smoky Hill as manifesting a hostile or mischievous spirit?

(J. M. Chivington respectfully objects to the question for the reason that it seeks to draw from the witness his conclusion as to the acts of the Indian chiefs. Witnesses are called upon to testify respecting facts, not to give opinions.

Objection sustained.)

Question. Do you know where the white captives were at the time of the council on the Smoky Hill?

Answer. I do not.

Question. Did Governor Evans tell the Indian chiefs in council that he had power to make peace with them?

Answer. I do not recollect whether he did or not.

Question. In the council in Denver or Camp Weld, (held by Governor Evans and others with the Indian chiefs,) was any person appointed as secretary and instructed to keep a record of the proceedings?

Answer. Not that I know of.

Question. Did Colonel Chivington, in the council held at Camp Weld with certain Indian chiefs, make any statements that were interpreted to the Indians?

Answer. He did, I think.

Question. State as nearly as you can the number of warriors in Black Kettle's camp at the time of the attack upon it by Colonel Chivington.

Answer. I do not think there were over one hundred.

Question. State as near as you can the number of warriors killed at the attack upon Black Kettle's camp by Colonel Chivington.

Answer. Probably not over fifty warriors.

Question. State in what capacity Mr. Gill acted, and by what authority he gave you an order to burn the village of Black Kettle, on Sand creek?

Answer. He gave me the order as coming from Colonel Chivington. I do not know in what capacity he was acting. He acted as though he was an aid or assistant.

Question. Were the officers and men who accompanied Major Wynkoop to the Smoky Hill ordered by him to go?

Answer. They were.

Question. State if you know of any field officer at Sand creek endeavoring to rally the men from under each other's fire.

Answer. There was none that I know of.

Re-examination of second Lieutenant Joseph A. Cramer, veteran battalion first Colorado cavalry, closed.

Commissioned adjourned until 9½ o'clock a. m. Monday, March 6th, 1865.

TWENTY-SECOND DAY.

MARCH 6, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of yesterday read and approved with the following amendments:

On page 260, first answer to first question, add the following:

"At that time Lieutenant Hardin was forming the men just outside the council, facing towards the council, looking towards the Indians, as if he was going to fire on the chiefs in council. At the time I ordered the men to disperse and keep near the wagons, I believed it to be necessary so to do to prevent a fight with the Indians. Immediately after my actions in regard to the case, I reported what I had done to Major Wynkoop, and I think he approved my actions."

On page 249, answer to last question, add the following:

"When we were first ordered to the front to drive in the Indian stock, a man appeared on the hill, about half a mile south of the village and south of the creek, having a white flag, which he was waving over his head. He was fired upon. By whom I do not know, and I do not know what became of him."

JAMES P. BECKWITH called in by the commission to give evidence.

J. M. Chivington respectfully asks that the witness, James P. Beckwith, may be interrogated as to his belief in the existence of God, who rewards good and punishes evil, before he is sworn.

By COMMISSION:

Question. James P. Beckwith, do you believe in the existence of a Supreme Being, of a God, by whom truth is enjoined and falsehood punished, and do you consider the form of administering an oath as binding upon your conscience?

Answer. I do.

The oath being administered according to law, in presence of J. M. Chivington, late colonel first Colorado cavalry, James P. Beckwith testified as follows:

Question. Your full name, age, and residence?

Answer. James Pierson Beckwith. I reside in this city at present. I am in my 69th year.

Question. How long have you resided in what is now known as Colorado Territory?

Answer. Off and on for forty-nine years. Not in this Territory that long.

Question. Did you accompany Colonel Chivington's command to Sand creek last November?

Answer. Yes. I started with Colonel Shoup as guide and interpreter; afterwards Colonel Chivington overtook us, and, I think, assumed command.

Question. Were you present at Sand creek at the time of the attack upon Black Kettle's camp, by Colonel Chivington?

Answer. Yes, I was present.

Question. Previous to the attack on Black Kettle's village, did you hear Colonel Chivington give any orders or make any remarks to his command?

Answer. Yes.

Question. What orders did he give, and what remarks did he make to his command?

Answer. His remark, when he halted us in the middle of Sand creek was this: "Men, strip for action." He also said, "I don't tell you to kill all

and sex, but look back on the plains of the Platte, where your mothers, fathers, brothers, sisters have been slain, and their blood saturating the sands on Platte."

Question. How many lodges did the village of Black Kettle contain at the time of the attack?

Answer. I can't tell. I did not count them.

Question. State as near as you can the number of lodges at the time of the attack?

Answer. From eighty to one hundred, as near as I could guess from the look of them. I did not count them.

Question. State as near as you can of what tribes Black Kettle's camp was composed?

Answer. Of the Cheyennes and Arapahoes.

Question. Are you acquainted with the manners and customs of the Cheyennes and Arapahoes?

Answer. Perfectly.

Question. State as nearly as you can the number of Indians of the Cheyennes and Arapahoes usually assigned to each lodge in their winter camps?

(J. M. Chivington objects to the question because it does not appear that the witness has any knowledge of the subject-matter of the inquiry, and because the witness is not asked to give his knowledge, but merely to state as nearly as he can. A person having no knowledge of the subject might answer the question truthfully, and yet the answer would be of no value as testimony.

Objection overruled.)

Answer. I could not, as I have not been with them for the last twelve or thirteen years. I mean I have done no business or trading with them for that length of time.

Question. During the last fourteen years have you passed through the Cheyennes or Arapahoes villages?

Answer. Yes. Have been in them frequently since.

Question. Have you any acquaintance with the chiefs of the Cheyennes and Arapahoes, and their people?

Answer. Yes.

Question. Describe an Indian lodge.

Answer. They are generally made of dressed buffalo skins. They are made such a way that I cannot give the dimensions of them. They are made similar to the round tents. Have poles on the inside of the lodge, and two poles on the outside to turn the two wings of the lodge, to turn the smoke.

Question. State as nearly as you can the number of Indians in the village of Black Kettle at the time of the attack.

(J. M. Chivington objects to the question for the reason that it does not appear that the witness has any knowledge of the subject-matter of the inquiry.

Objection sustained.)

Question. Were there any Indians in the camp of Black Kettle at the time of the attack? If so, state how many.

Answer. Yes, there were Indians in the camp, but how many it is impossible for me to say.

Question. At what time in the morning did the attack on Black Kettle commence?

Answer. A little after sunrise.

Question. At what time was the attack over?

Answer. I think it was between 2 and 3 p. m. when they ceased firing. I did not note the time of day with me, but guess it was about that time.

Question. Were any Indians killed? If so, state how many.

Answer. It is impossible for me to say how many were killed. A great many were killed, but I cannot guess within a hundred how many were killed.

Question. Were those Indians killed on Sand creek, warriors ?

Answer. There were all sexes, warriors, women, and children, and all ages, from one week old up to eighty years.

Question. What proportion of those killed were women and children ?

Answer. About two-thirds, as near as I saw.

Question. Were any of the Indians killed at Sand creek scalped, and otherwise mutilated ?

Answer. They were scalped ; that I know of. White Antelope was the only one I saw that was otherwise mutilated.

Question. Did the Indians at Sand creek, at the time of the attack, form in line of battle to resist Colonel Chivington's command ?

Answer. Not until they had been run out of their village.

Question. What did the Indians do at the time of the attack upon them by Colonel Chivington ?

Answer. They run out of the village, and formed to fight until the shells were thrown among them, and they broke and fought all over the country.

Commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

Examination of James P. Beckwith, by the commission, in presence of J. M. Chivington, late colonel, &c., continued :

Question. Did any of the Indians make an attempt to reach Colonel Chivington's command at the time of the attack ?

Answer. Yes, one Indian.

Question. Do you know his name ? If so, state it, and what he did

Answer. The name he went by with the Indians was Spotted Antelope, and by the whites, White Antelope. He came running out to meet the command at the time the battle had commenced, holding up his hands and saying " Stop ! stop !" He spoke it in as plain English as I can. He stopped and folded his arms until shot down. I don't know whether the colonels heard it or not, as there was such a whooping and hallooing that it was hard to hear what was said.

Question. Was any attention paid to White Antelope as he advanced towards Colonel Chivington's command ?

Answer. None, only to shoot him, as I saw.

Question. Did White Antelope have anything in his hand as he advanced towards the command ?

Answer. Nothing that I saw.

Question. How near Colonel Chivington's command was White Antelope shot down ?

Answer. As near as I can guess, fifteen or twenty steps.

Question. Was White Antelope scalped and otherwise mutilated ?

Answer. Yes, both.

Question. Did you see any person engaged in scalping White Antelope ?

Answer. I did not. I saw him, though, after this had been done.

Question. State if any others advanced towards the command at the time of the attack.

Answer. Mr. Smith, the United States interpreter, was the only one I saw.

Question. What was done as Mr. Smith advanced towards the command ?

Answer. As close as I recollect I think he spoke to Colonel Chivington, and I cannot recollect what he said. I think Colonel Chivington told him to jump on the artillery carriage, and remain there, which he obeyed as sure as you are born.

Question. Did any of Colonel Chivington's command fire upon John Smith ?

Answer. Not that I saw. The reports were so, but I did not see anybody fire at him.

Question. Did you see any of Colonel Chivington's command in the act of helping the Indians at Sand creek?

Answer. I did; I saw several men scalping, but I know not their names; there is only one man that I know who scalped an Indian I killed myself.

Question. Did you see any officer of Colonel Chivington's command scalping Indians at Sand creek?

Answer. No.

Question. Did any officer or officers of Colonel Chivington's command make any efforts to prevent scalping or mutilating of the dead at Sand creek?

Answer. None that I saw or heard. I only saw White Antelope that had been mutilated otherwise than by scalping.

Question. Did Colonel Chivington's command take any prisoners? If so, state what was done with them.

Answer. The prisoners taken was one woman rescued by Charley Antoby, turned over to me, and Colonel William Bent's son Charles (half-breed Cheyenne) begged of me to save his life, and him and the squaw together. I put him in an ambulance with Captain Talburt, who was wounded; sent him to the hospital with Captain Talburt, and told him to stay there until I came; then I took the squaw with a wounded soldier by the name of Metcalf, and got them safe into camp. I did not go on the battle-field until next morning. Charley Bent went off with his brother that night with the ponies.

Question. Were any others taken prisoners than those you have mentioned?

Answer. Yes, there was an old squaw with two children. I do not know as they were taken prisoners, but they were found in camp that evening after the battle. There were two little girls and a boy that were taken prisoners. The oldest girl was between twelve and fourteen years old. The next was between ten and eleven, and the boy between eight and nine years of age. One of the old squaw's daughters had a finger shot off.

Question. Was there any shooting in camp after the attack upon Black Kettle's camp?

Answer. They were shooting all over the country, in camp and out of camp.

Question. Was any person shot in Colonel Chivington's camp after the battle with the Indians?

Answer. Yes.

Question. State who it was.

(J. M. Chivington objects to the question for the reason that it does not appear that the witness has any knowledge upon the subject-matter of inquiry, while the question assumes that he has such knowledge.

Objection not sustained.)

Answer. It was a half-breed, who went by the name of Jack Smith, John Smith's son. He was sitting in the lodge with me; not more than five or six feet from me, just across the lodge. There were from ten to fifteen soldiers came into the lodge at the time, and there was some person came on the outside and called to his father, John Smith. He, the old man, went out, and there was a pistol fired when the old man got out of the lodge. There was a piece of the lodge cut out where the old man went out. There was a pistol fired through this opening and the bullet entered below his right breast. He sprung forward and fell dead, and the lodge scattered, soldiers, squaws, and everything else. I went out myself; as I went out I met a man with a pistol in his hand. He made this remark to me: he said, "I am afraid the damn son of a bitch is not dead, and I will finish him." Says I, "Let him go to rest; he is dead." That is all that occurred at that time. We took him out and laid him out of doors. I do not know what they did with him afterwards.

Question. Who were in the lodge at the time Jack Smith was killed?

Answer. There was a soldier who belongs to the Colorado first and a teamster. I do not know their names, nor the company the soldier belonged to.

There were ten or fifteen other soldiers in the tent, but do not know what regiment or company they belonged to. Some of them belonged to the third Colorado cavalry.

Question. Do you know the name of the man you met who had the pistol?

Answer. No, I do not.

Question. Were any efforts made by the commanding officer to ascertain who had killed Jack Smith?

Answer. Not as I know of.

Question. Did you hear any threats made against the life of Jack Smith, previous to his being shot?

Answer. Yes.

Question. What were those threats and by whom made?

Answer. By whom I know not. It was made by soldiers, who said that he should not leave the camp alive.

Question. Where were the wounded taken during the fight?

Answer. They were taken back to a lodge used as a hospital.

Question. In what part of the field was the hospital established for wounded officers and soldiers?

Answer. A little east of north of where we attacked the village.

Question. How early in the fight was the hospital established at the place mentioned?

Answer. I think about three or four hours after the charge and the battery opened. It was after the village was cleaned of the Indians.

Question. Where were the Indians at the time the hospital was established?

Answer. They were beyond the village. The main portion of them were south of the village. The Indians were everywhere.

Question. Had the firing ceased in that part of the village at the time and place where the hospital was established?

Answer. Yes.

Question. Have you seen any of the Cheyennes since the day of the attack on Sand creek?

Answer. Yes.

Question. When and where did you see them?

Answer. I saw them between the 9th and 12th of January, on the White Man's fork. I went into their village in the night. The White Man's fork heads in the vicinity of the Smoky Hill. It used to be called the Box Elder by the trappers.

Question. How large a village was it?

Answer. There were about one hundred and thirty or one hundred and forty lodges. They were then travelling north.

Question. Were they all Cheyennes?

Answer. No, they were mixed up with other tribes, half-breed Cheyennes, Kiowas, and Camanche warriors. There may have been some Arapahoe lodges among them; most of the lodges were Cheyenne.

Question. Were there any chiefs among them? If so, state who they were.

Answer. There were Leg-in-the-Water, who was then acting as chief, (Black Kettle was not there,) and Little Robe, son of the old war chief who was killed at Sand creek.

Question. State what transpired while you were in the village.

(J. M. Chivington objects to the question, for the reason that it seeks to draw from the witness information which was derived from the Indians, and is therefore hearsay. Furthermore, it is sought by this question to make the proceedings at an unauthorized interview with Indians' testimony, to be considered in this investigation, when none of the parties who may be charged as military offenders were present thereat. Again, the interview between the witness and

Indians occurred after the battle of Sand creek, and therefore it is not a proper subject for investigation under the instructions given the commission. The commission are instructed to make such investigation as may disclose all facts connected with the battle of Sand creek, not to inquire concerning the results of that battle.)

Commission was cleared for discussion. Commission adjourned until 9½ a. m. tomorrow, March 7, 1865.

TWENTY-THIRD DAY.

MARCH 7, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of yesterday read and approved.

The objections by J. M. Chivington, against obtaining from the witness testimony as to what transpired in the camp of the Indians while he was present, sustained so far as to rule out the question, and all information referring to probable results of the affair of Sand creek. But in order to do justice to parties, and in consequence of not being able to procure the attendance to the commission of the surviving Indians who were attacked while in camp on Sand creek, it becomes necessary to question the witness in reference to statements, admissions, &c., made by the Indians to him (the witness) in reference to their (the Indians) understanding of the agreement between them and the military authorities at Fort Lyon, and their (the Indians) admissions to the capture of stock taken by Colonel Chivington from them at Sand creek, regarding it as information essential to the object of this commission, which is to ascertain all facts, and do justice to all parties.

Examination of James P. Beckwith by the commission, in presence of J. M. Chivington, continued:

Question. While in the camp of the Indians on White Man's fork, did you have any conversation with them in reference to Sand creek?

Answer. Yes.

Question. What was said?

J. M. Chivington respectfully objects to the question. The statements of Indians are never received as evidence even when the Indians are personally present, except in cases where it is specially authorized by statute. In other words, it requires an express congressional enactment to render an Indian a competent witness, as in cases of violation of the Indian intercourse laws. The instructions given the commission do not authorize them to receive hearsay testimony as coming from Indians or whites. The latitude given to the commission is as to the facts concerning which evidence may be received, not as to what shall or shall not be considered evidence. The commission may receive evidence as to any fact deemed material, but all evidence received must be such as is recognized by law as evidence. Objection overruled by a majority of the commission.)

Answer. I went into the lodge of Leg-in-the-Water. When I went in he stood up and he said, "Medicine Calf, what have you come here for; have you ordered the white man to finish killing our families again?" I told him I had come to talk to him; call in your council. They came in a short time afterwards, and wanted to know what I had come for. I told them I had come to persuade them to make peace with the whites, as there was not enough of them to fight the whites, as they were as numerous as the leaves of the trees. "We know it," was the general response of the council. But what do we want for? The white man has taken our country, killed all of our game; not satisfied with that, but killed our wives and children. Now no peace. We want to go and meet our families in the spirit land. We loved the whites

until we found out they lied to us, and robbed us of what we had. We have raised the battle-axe until death.

They asked me then why I had come to Sand creek with the soldiers to show them the country. I told them if I had not come the white chief would have hung me. "Go and stay with your white brothers, but we are going to fight till death." I obeyed orders and came back, willing to play quits. There was nothing mentioned about horses or anything that transpired on the battle-field, with the exception of their wives and children.

Question. While in the camp, was anything said in reference to the chief Black Kettle?

Answer. Yes.

Question. What was said?

Answer. That he had gone over to the half-breed Cheyenne village, and Sioux also, to raise the warriors of those two tribes to fight the whites when grass came, (meaning spring.)

Question. You say you are acquainted with the manners and customs of the Cheyennes and Arapahoes. State what is the custom of these Indians in their treatment of women and children taken in battle from their enemies.

(J. M. Chivington objects to the question. Objection not sustained by a majority of the commission.)

Answer. The children are treated kindly; the women are generally violated.

Question. Do they often kill, scalp, and otherwise mutilate women or children taken prisoners by them in battle?

(J. M. Chivington objects to the question. Objection sustained.)

Direct examination of James P. Beckwith closed.

Cross-examination of James P. Beckwith, by J. M. Chivington:

Question. With what company, battalion, and regiment of Colonel Chivington's command were you at the time of the attack on Black Kettle's camp?

Answer. I was with a portion of the third regiment (100-days men.) I could not tell what company or battalion I was with.

Question. Were you under the command of any officer? If so, of whom?

Answer. I was under the command of Colonel Chivington and Colonel Shoup; no other officer had command over me.

Question. Did you participate in the charge made by the third regiment on the Indian village at Sand Creek? If so, what position did you occupy in the charge?

Answer. Yes; I charged with the foremost; I was by the side of Colonel Chivington himself for a little ways; his horse was fleetier than mine.

Question. Who made the noise and confusion of which you speak as occurring at the time of the charge?

Answer. Both officers and men, as I heard, with the exception of Colonel Chivington and Shoup. I could hear them occasionally order the men to be steady. This was while I was in hearing of them, which was but a short time.

Question. Could you hear distinctly all that was said and done at the time that the charge was made?

Answer. No.

Question. How far was White Antelope from you at the time he shouted to the commander to stop?

Answer. He was from fifteen to twenty steps, when I heard him the first time; he was advancing very fast towards the command.

Question. How many feet was White Antelope from you at the time he shouted to the command to stop?

Answer. About sixty feet, probably; that is as near as I can judge.

Question. How many feet was White Antelope from the command at the time he was shot?

Answer. I can't say.

tion. How far did White Antelope advance towards the command after he saw him, and before he was shot?

wer. Some three or four paces, and stopped.

tion. Where was he when you first saw him?

wer. On the outside of the lodges.

tion. How far outside of the lodges?

wer. I cannot say.

tion. State as nearly as you can.

wer. I can't, because I don't know; my attention was drawn too far at the time.

tion. How did you recognize him when you first saw him?

wer. I was intimately acquainted with him.

tion. Do you know of any orders or directions being given by any officer commanding Jack Smith after the battle?

wer. None.

tion. Do you know of any order being given respecting the lodge in which you say Jack Smith was killed?

wer. Yes.

tion. What was that order?

wer. Colonel Shoup himself ordered me to stay there and protect the property of Jack and John Smith's property; and also sent me a sergeant from some company; I don't know who he was.

tion. How long had Jack Smith been in that lodge at the time you say he was killed?

wer. He was taken about 10 o'clock in the morning of the day of the battle and remained in the lodge until early in the morning after sunrise the next day.

tion. Was he or was he not under guard?

wer. He was not under guard.

tion. Did he remain constantly in the lodge after he fell into the hands of Colonel Chivington's command until he was shot?

wer. No.

tion. Was the man whom you saw with the pistol after passing out from the lodge an officer or private?

wer. A private; he had on private's clothing.

tion. How far is it from Denver to the place where you met the Indians on White Man's fork?

wer. About eighty-five or ninety miles. It may be a hundred.

tion. When and from where did you start to go there?

wer. I started from here on the 9th or 10th of the month of January.

tion. Did any one suggest the expediency of going there? If so, who?

wer. None.

tion. How did you ascertain where you should go in order to find the Indians?

wer. Because I am acquainted with the country, and from reports, and I could hear of the depredations they were doing on the road.

tion. How long were you in making the trip?

wer. Six days and a half going and coming.

tion. Did you go directly from Denver to the place where you met the Indians on White Man's fork?

wer. Yes, as straight a course as I could go; I struck the trail six or seven miles above where I found the village.

tion. How long were you in going there?

wer. A little over three days.

tion. Where did you hear that they had committed depredations which led you to suspect the Indians were where you found them?

Answer. I heard it in town here and saw it in the paper.

Question. Where were these depredations committed?

Answer. Down the Platte.

Question. How far down the Platte?

Answer. I don't know; can't say.

Question. What were the depredations of which you have spoken?

Answer. Killing white men and taking their property.

Question. How long before you went out to meet the Indians were these depredations committed?

Answer. I know not. It was an every-day occurrence, from reports.

Question. Are Indians usually found upon White Man's fork, soon after have committed depredations on the Platte?

Answer. I don't know. They were moving north at the time.

Question. Did you not say you were led to suppose that the Indians were upon White Man's fork, from the depredations which had been committed?

Answer. Yes.

Commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

Cross-examination of James P. Beckwith by J. M. Chivington, late captain &c., continued:

Question. Where have you resided since the first of January last?

Answer. With the exception of the trip I made out to the Indians, I resided here in Denver.

Question. Did any one accompany you on the trip to the White Man's fork?

Answer. No.

Question. Is there any enmity existing between yourself and Colonel Chivington?

Answer. None, so help me God.

Question. Have you not used expressions of hostility towards Colonel Chivington within the six months last past?

Answer. Not to my knowledge.

Question. To what race do you belong—the white, black, or Indian?

(Objection to the question by Lieutenant Colonel Samuel F. Tappan, president of the commission. Objection sustained by the commission.)

Question. Were you a chief among the Crow Indians?

Answer. Yes.

Cross-examination of James P. Beckwith by J. M. Chivington closed.

Question raised by recorder. The commission was closed for discussion.

Commission adjourned until 9½ a. m. to-morrow, March 8, 1865.

TWENTY-FOURTH DAY.

MARCH 8, 1865

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of yesterday read and approved.

Commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

N. D. SNYDER called in by the commission to give evidence.

The oath being administered according to law, he (Snyder) testified as follows:

Question. Your full name, age, and occupation?

Answer. Naman D. Snyder; nineteen years old; occupation a soldier.

Question. How long have you been in the service as a soldier?

Answer. I enlisted on the thirteenth of December, 1863.

Question. To what regiment and company did you belong in November, 1864?

Answer. Company D of the first regiment Colorado cavalry.

Question. Where was your company stationed during the latter part of November, 1864?

Answer. At Fort Lyon.

Question. Where was your company on the morning of the twenty-ninth of November, 1864?

Answer. Out with Chivington, I believe.

Question. Was your company in the engagement with Indians on Sand creek that time?

Answer. I don't recollect.

Question. Were you present at the attack on Black Kettle's camp on Sand creek?

Answer. Yes.

Question. At the time of the attack on Black Kettle's camp, did you see any American flag? If so, state where you saw it.

(Colonel John M. Chivington objects to the question. Objection overruled by the commission.)

Answer. Yes, at the lower end of the village. The west end.

Question. Were any Indians killed during the attack upon Black Kettle's camps on Sand creek?

Answer. Yes.

Question. Was anything more done to the Indians? If so, state what it was.

Answer. Nothing more done to the Indians on Sand creek as I saw.

Question. Have you been to Sand creek since?

Answer. Yes.

Question. State the time you went to Sand creek.

Answer. About the fourteenth of January.

Question. Who did you go to Sand creek with?

Answer. Captain Soule, and Captain Boothe, and thirty men of D and K companies.

Question. What did you see there?

Answer. Dead Indians and a desolate looking place.

Question. How many dead Indians did you see at Sand creek on your second visit?

Answer. I saw ninety-eight.

Question. Were the Indians killed at Sand creek in November all warriors?

Answer. No.

Question. What were they?

Answer. Squaws and papposes, besides the warriors.

Question. What proportion of the whole number killed at Sand creek were women and children?

Answer. Half that were there, as near as I can guess.

Question. Do you know of any scalping being done by Colonel Chivington's command at Sand creek?

(John M. Chivington respectfully objects to the question. Objection overruled by the commission.)

Answer. Yes.

Question. State how you know of scalping being done at Sand creek?

Answer. By seeing it done.

Question. State who you saw engaged in scalping.

Answer. The boys in the third regiment; also the boys in the first regiment.

Question. Were the women and children scalped?

(John M. Chivington respectfully objects to the question. Objection overruled by the commission.)

Answer. Yes.

Question. Were any of the Indians otherwise mutilated at Sand creek?

(J. M. Chivington most respectfully objects to the question. Objection overruled by the commission.)

Answer. Yes.

Question. By whom were any otherwise mutilated?

Answer. By a company of Mexicans.

Question. Were the Mexicans a portion of Colonel Chivington's command?

Answer. Yes.

Question. Did any officer of the command attempt to prevent scalping and mutilating?

(J. M. Chivington objects to the question. Objection overruled by the commission.)

Answer. Not that I know of.

Question. Were those you saw engaged in scalping and mutilating the dead, private soldiers?

Answer. Yes.

Question. Were all the Indians killed at Sand creek killed by Colonel Chivington's command?

Answer. Yes.

Question. Were any prisoners taken by Colonel Chivington's command at Sand creek?

Answer. Yes.

Question. How many, and what was done with them?

Answer. To the best of my recollection there were three taken and brought to Denver.

Question. How many dead Indians did you see on the day of the battle at Sand creek? State as near as you can.

Answer. Two hundred.

Direct examination of Naman D. Snyder, a soldier, closed.

Cross-examination of Naman D. Snyder, by J. M. Chivington, late colonel, &c.:

Question. You state, at the time of the attack on the Indian village at Sand creek, you saw an American flag at the western end of the village. Was that the end from which you approached the village? If not, please state from what end you approached the village, and how far this flag was from you?

Answer. We approached the village at the end the flag was. The flag was about twenty-five yards from where we first formed in line.

Question. Did you see the soldier when he placed the flag where you saw it?

Answer. No. I saw him place the white flag.

Question. Can you name any person that you saw scalping Indians?

Answer. I can name no one person.

Question. Was this scalping that you saw done during the fight or after the battle was over?

Answer. During the fight.

Question. How do you know that the men belonged to Colonel Chivington's command, that you saw scalping the Indians?

Answer. Because they were under his command.

Question. Did you ever see Colonel Chivington give them any orders?

Answer. No.

Question. How do you know the Mexicans belonged to Colonel Chivington's command?

Answer. Because they were there at the fight, and under his command as a company.

Question. Do you know that the Mexicans were soldiers, and that Colonel Chivington had a right to command them?

Answer. Yes.

Question. How do you know it?

Answer. I know it because they were raised as a company and brought down under or with his command.

Question. Was there not a number of citizens accompanying Colonel Chivington's command, over whom Colonel Chivington had no control?

Answer. Not that I know of.

Question. On your second visit to Sand creek, with Captain Soule, did not Captain Soule send a number of his men ahead of his command to Sand creek, with instructions to mutilate the dead, &c.?

Answer. No.

Question. How long did you remain on the field the day the battle of Sand creek was fought?

Answer. From sunrise to two o'clock.

Question. What part of the field were you on? Please describe the field and the place you occupied, with the company to which you belonged.

Answer. Company D was on the southwest part, on west side of the creek, where the battle began. We were first formed on the east side of the creek.

Question. Were you not a great distance, all the time during the fight, from where the fighting was done?

Answer. No.

Question. Were you with company D all the time during the fight at Sand creek?

Answer. No.

Question. Where were you when not with company D?

Answer. With company K.

Question. How many Indians did company K kill in the fight?

Answer. I could not say, not knowing.

Question. Did not Captain Soule direct you to go ahead of his command, on your second visit to Sand creek, and tie up a squaw with your lariat, in such a position that Captain Boothe, inspector, would think she had been hung?

(Objection to question, by Lieutenant Colonel Samuel F. Tappan, president of the commission. Objection sustained.)

the president and members of the military commission convened pursuant to Special Orders No. 23:

John M. Chivington respectfully represents that many of the witnesses whom he desired should testify in his behalf before the commission reside or may now be found in the vicinity of Denver, where the commission is now in session. That some of these witnesses are temporarily in Denver, and do not intend to remain here but a short time. Being informed that it is the intention of the members of the commission to adjourn at an early day and reassemble at Fort Collins, he requests that before such adjournment he may have an opportunity to produce such witnesses as he may be able to find in the vicinity of Denver, thus obtain their testimony. As there are no charges or specifications to be proved by the government, or negatived by the accused in this proceeding, the reasons for requiring all testimony on behalf of the government to be first introduced lose their force. It matters not in what order the testimony may be introduced, since no portion of it can be regarded as rebutting to any other portion.

I may be permitted to suggest, further, that much time and expense may be saved to the government by procuring all the testimony obtainable in this city at the present session of the commission; so that it may not be necessary to reassemble at this place at some future day. If it is thought best the testi-

army; therefore such records and reports furnish the best evidence of those facts. Objection overruled.)

Answer. I never footed the average cost; I think it would be about two hundred and twenty-five in vouchers. They were inspected by me—not appointed, but ordered.

Question. Were the horses you purchased of the first quality?

Answer. They were not.

Question. Of what quality were they?

Answer. Some were good; some very poor as cavalry horses.

Question. Were the horses broken down or only poor in flesh?

Answer. Neither to my knowledge.

Question. Were they serviceable horses?

Answer. I considered them so at the time; I afterwards learned that some of them were constitutionally diseased.

Question. What proportion of the whole number did you afterwards learn were constitutionally diseased?

Answer. I did not learn definitely.

Question. To whom did you deliver the horses?

Answer. What I bought I delivered to companies A, B, C, D, E, and F; the balance I turned over to Captain Gorton. They were turned over between the 20th of August and the 15th of September.

Question. How many of the horses did you deliver to Captain Gorton?

Answer. I can't say definitely.

Question. Were all the horses you delivered to the third regiment purchased in open market?

Answer. They were.

Question. Did you receive any of those horses from officers of that regiment after you had invoiced them?

Answer. No.

Question. Did you furnish that regiment with transportation? If so, state how much?

Answer. I furnished the companies that were then full, for company use, six mule teams, and hired the transportation for regiment; September 3, thirty-five four mule-teams; September 6, seven four-mule teams, which were transferred to Captain Gorton September 15.

Question. Was this transportation still in the possession of that regiment at the time you were relieved by Captain Gorton?

Answer. It was still in the service of that regiment.

Question. Who furnished the forage for the third regiment after they had received the horses and transportation?

Answer. I furnished it until the 15th of September; I can't tell who furnished it afterwards.

Direct examination by the commission closed.

Cross-examination of Captain Loudon Mullin by J. M. Chivington, late colonel, &c.:

Question. By whom were you ordered to purchase the horses of which you have spoken?

Answer. By Major General Curtis, through headquarters district of Colorado.

Question. What order did you receive as stated in your last answer?

Answer. I was ordered to buy in open market horses, and equip and mount the third regiment, either as soon as possible or as soon as practicable, I don't know which.

Question. Was the third regiment Colorado cavalry organized as a regiment at the time you were relieved by Captain Gorton?

think they were; I am not certain they were mustered in at that date, if you know, the number of men in that regiment at that time I don't know; I think about a thousand.

What use was made of the transportation of which you have the companies of the third regiment to which the same was de-

they used it for hauling forage, rations, and their camp equipage, as I had control of them.

Were there any other facilities for transportation accessible to the regiment, at the time referred to?

No, not that I know of.

Session of Captain L. Mullin closed.

Adjourned until 9½ a. m. to-morrow, March 10, 1865.

TWENTY-SIXTH DAY.

MARCH 10, 1865.

Commission met pursuant to adjournment. Present, all members and reports of yesterday read and approved. Commission adjourned until 10 p. m.

-Commission met pursuant to adjournment. Present, all members

on of adjournment:

Statement of John M. Chivington was then considered, and after discussion decided not to comply with it at present, but to proceed without Fort Lyon, and examine such witnesses as may there be introduced, and then return to Denver to conclude the labors of the commission.

Commission considers this step necessary on account of the liabilities of coming at an early day much swollen, rendering travel to Fort Lyon very difficult; and important witnesses are now at Fort Lyon, whose statements cannot be dispensed with at that post without detriment to the public interest. Their evidence is important to the object for which this commission is organized.

Commissioner is instructed to notify John M. Chivington of the adjournment.

Commission adjourned, to meet again at Fort Lyon, Colorado Territory, on Monday next, or as soon thereafter as practicable.

TWENTY-SEVENTH DAY.

FORT LYON, COLORADO TERRITORY,

March 20, 1865—10 a. m.

Commission met pursuant to adjournment. Present, all members and re-

ports of the twenty-sixth day (March 10, 1865) read and approved. V. WYNKOOP called in by the commission to give evidence. The clerk administered according to law, he, Major Wynkoop, testified as follows:

THE COMMISSION:

What is your full name and occupation?

Edward W. Wynkoop; occupation a soldier.

What is your rank in the army?

Major, veteran battalion first Colorado cavalry.

Question. How long have you been an officer?

Answer. Since the 25th of July, 1861.

Question. Upon what duty were you in the spring and summer of 1864?

Answer. I was in command of Fort Lyon during a portion of the spring and summer.

Question. By whose order were you placed in command of Fort Lyon?

Answer. By order of Colonel Chivington, commanding district of Colorado.

Question. Did you, as commander of the post at Fort Lyon, have any dealings with any of the Indians or Indian tribes of the plains?

Answer. I had dealings officially with the Indians.

Question. State what they were.

Answer. The first dealings I had with them officially was on the 4th day of September, 1864. Three Indians were brought in to me as prisoners. Their names were One-Eye, a sub-chief of the Cheyennes, and Min-im-mie, who I believe was also a sub-chief or captain of some kind, and One-Eye's squaw. They were brought to me as prisoners. One-Eye had in his possession two letters, one addressed to Colonel William Bent, the other to Major Colley, Indian agent. He stated that they were written by a half-breed in the Cheyenne camp. They were signed by Black Kettle and other chiefs. One-Eye stated this was written by the direction of Black Kettle and other chiefs of the Arapahoe and Cheyenne tribes. The purport of the letters was, that they desired to have peace; that they had seven white prisoners in their possession whom they would deliver up if peace could be assured them, and in case we would deliver up any Indian prisoners we had in our possession. The letter stated that they thought we had some Indian prisoners in Denver. I questioned One-Eye further, and he said that the Arapahoes and Cheyennes, and forty lodges of Sioux, were congregated together on the headwaters of the Smoky Hill, at a place known as "The bunch of timber;" that they numbered about two thousand. After gaining this information, I held the Indians as prisoners and sent them to the guard-house, and immediately commenced to make preparations for an expedition to the headwaters of the Smoky Hill, for the purpose of procuring the white prisoners. On the 6th day of September I started with one hundred and twenty-seven mounted men and two howitzers; I took with me the three Indians I held as prisoners, and another Cheyenne Indian who was living with John Vogle, who was living in the vicinity of this post. They called the Indian "The Fool." I told these Indians, whom I stated I would hold as hostages for the good faith of their tribe, that if any treachery was exhibited on the part of their tribe, I would instantly kill them. One-Eye appeared to be perfectly satisfied, and said he was willing to sacrifice his life if his tribe did not act in good faith towards me. After four days' march I came in sight of the Indians, who were located on a tributary of the Smoky Hill. I found about seven hundred or eight hundred warriors drawn up in line of battle, and judged, from their appearance at the time, that they were making hostile demonstrations. I formed my command in as good order as possible, and continued to advance towards them. The same time I sent One-Eye forward, instructing him to state to the chiefs that I had come in accordance with their letter, and in reference to the white prisoners. I still retained One-Eye's squaw, and the other Indian called "Fool." I had sent Min-im-mie off the day before with the same message to the chiefs, previous to our coming in sight of them. One-Eye returned, and told me that Black Kettle and other chiefs were willing to meet me in council. The Indians then fell back, and I advanced and took up a position on the bank of a stream, after which Black Kettle, head chief of the Cheyennes, and Left Hand, of the Arapahoes, and other chiefs of both tribes, entered my camp and a council was held. The council on the part of the Indians was composed of Black Kettle, of the Cheyennes, White Antelope, Bull Bear, Sitting Bear, and other chiefs whom I don't know. On the part of the Arapahoes were Left Hand,

ra, Little Raven, and other chiefs whom I don't know. On our part it was composed of Captain Soule, Lieutenant Hardin, Lieutenant Cramer, Lieutenant Phillips, and myself. I commenced by showing the letters I had in my possession, purporting to have come from Black Kettle and other chiefs, and asked the chiefs of both tribes whether they indorsed those letters. They answered in the affirmative. I then addressed myself particularly to Black Kettle, through an interpreter. I told him that I had not the power to offer them terms of peace; that I was not big enough chief; that I had come out there for negotiating with them, if possible, for the return of the white prisoners, and that I had a proposition to make to them, which was, that if they would deliver up the white prisoners they had in their hands, I would use my utmost endeavors to procure peace for them. I stated that I would take any delegation of chiefs that they might select from both tribes with me to the governor of Colorado Territory, who was also Indian superintendent, and that the fact of their having delivered up the white prisoners into my hands would in all probability assist them, it being an evidence that they were sincere. Black Kettle commenced by saying that the Arapahoes and Cheyennes—

(John H. Chivington most respectfully objects to the court receiving from Major Wynkoop as evidence, what Black Kettle and other Indians stated to Major Wynkoop in council or anywhere else, for the reason that it is hearsay and is illegal; that Major Wynkoop can testify only to facts within his own knowledge, and not to assertions made by others.

Objection overruled by the commission.)

Black Kettle had always desired to be at peace since their last treaty with the whites. He said that if they had desired to make war with the whites, they had a good opportunity of doing so when the white emigration first came to Colorado, but at a short time before, while a party of his young men were proceeding north on a hunting expedition in the neighborhood of the South Platte river, they found some loose stock on the prairie; that they had taken them up and were about proceeding to return them to their owners, if they could be found, and while in the act of doing so they were met by a party of United States soldiers, who attempted to deprive them of their arms, which they refused to deliver up, and the consequence was a fight ensued; that a short time after that, a village that was located in a place called Cedar Cañon, in some locality north of the South Platte river, and who were perfectly unaware that any difficulty had occurred between any portion of their tribe and the whites, were attacked by a body of United States troops, some of them killed, and their ponies run off; that after this occurrence had taken place, while a column of United States troops were proceeding from the Smoky Hill towards the Arkansas, they were approached by Lean Bear, second chief of the Cheyennes, with his band; that Lean Bear, leaving his warriors behind, approached the column alone, with friendly feelings, and was then murdered by our soldiers, as well as his son who followed him.

The commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

Direct examination of Major E. W. Wynkoop continued:

He said that after all these occurrences, the Cheyennes concluded that war was inevitable, and they immediately commenced to retaliate. He then said that at this time the Arapahoe Indians were on perfectly friendly terms with the whites, but that while Left Hand, one of the principal chiefs of the Arapahoe tribe, was camped in the vicinity of Fort Larned, he understood that the Kiowas were going to run off the stock belonging to the post; that he notified the commanding officer of that post to that effect; that no attention was paid to the information given to the commander of the post, and that on the day and hour indi-

cated the stock was run off by the Kiowas; that then Left Hand again approached the post with some of his warriors for the purpose of tendering services to pursue the Kiowas and recover the stock. He met a soldier outside the post and sent him with the statement to the commanding officer that he then continued to approach the post, exhibiting a white flag; that he fired upon from the fort and obliged hastily to leave; that from this circumstance the Arapahoes, presuming it was the intention of the whites to make on them as well as the Cheyennes, commenced to retaliate, still against wishes and desires of the principal men of both nations; that after the war commenced they had heard of a proclamation issued by Governor Evans, inviting all friendly disposed Indians to place themselves under the protection of United States forts; that they had frequently attempted to do so by approaching the different forts with that view, but had invariably been driven off; that in all these circumstances, they considered that they had been unjustly dealt with by their white brethren. But notwithstanding that, he himself was willing to do anything for the purpose of procuring peace, knowing it to be for good of his people; that he was willing to deliver up the white prisoners, that there were other chiefs there who objected to do so simply on the assurance of myself that I would endeavor to procure them peace. They desired assurance of peace as an equivalent for delivering up the white prisoners. The Indians then held a consultation among themselves, and, as I learned from an interpreter, were divided as to whether or not they should deliver up the prisoners upon the proposition made by me. On their frequently referring to me and asking whether I could insure them peace, I invariably answered it was out of my power to do so. The council then broke up without coming to a decision on the part of the Indians. Previous to their leaving, I told them that I would march to a certain place, naming the locality, a distance about twelve miles, and there await three days the decision from them. Before that time had expired, four of the white prisoners were brought in and delivered over to me, and Black Kettle, who came in with some of them, stated that the other three would be turned over to me as soon as they could be procured, that they were at that time some distance off with a small band, somewhere in the Republican.

Black Kettle, White Antelope, and Bull Bear, principal chiefs of the Cheyennes, as well as Neva, No-ta-ne, Boisee, and Heap Buffalo, chiefs of the Arapahoes, agreed to accompany me in accordance with my proposition; with these chiefs I proceeded to Denver City, where a consultation was held with Governor Evans—Colonel John M. Chivington, commander of that military district, being present. Governor Evans, after asking the Indians numerous questions, finally told the Indians that he could have nothing to do with them, that they had made war against the United States, and that they were in the hands of the military authorities; that they had come up there under the protection of myself, and would return in the same manner, and would be subject to my disposal, until such time as higher authorities might be heard from. Colonel Chivington then got up, and told them that he was the big war chief of this part of the country, and his business was to kill Indians, and not to make peace with them; but that, under these circumstances, they would return with themselves to Fort Lyon, and there be disposed of as I thought proper, until such time as a statement of their case had been heard and acted upon by the proper authorities. I returned to Fort Lyon, told the chiefs to bring in their villages, their squaws and papposes, to the vicinity of the post, where they could be under my own eye, and where I could make them responsible for any depredation that might be committed outside, till such time as I could receive instructions from department headquarters. I then immediately despatched an officer, with a full statement of all the aforementioned facts, to Major General Curtis, commanding the department. In the meanwhile the Indians had brought in the

villages to the vicinity of this post, under assurances of perfect safety and protection from the government, given to them by myself, as a United States officer, until such time as I could receive instructions from department headquarters. They were perfectly satisfied with the assurances that I had given them. I at different times, when I considered they were in a destitute condition, issued a limited amount of rations to them. On the 5th day of November, 1864, Major Scott J. Anthony, first cavalry of Colorado, relieved me from the command of Fort Lyon, in pursuance of an order from district headquarters, and I was ordered to report at district headquarters. Major Anthony stated to me, in relieving me in command of the post, that he was under strict instructions to have nothing to do with the Indians, to make them no issue, and to keep them away from the post. But after learning all the circumstances in regard to them, he assured me that, notwithstanding his stringent orders, he was obliged to follow the same course almost that I had adopted. He made issues to these same Indians, and of a greater quantity than ever I had issued; one camp of Arapahoes that were located near the post, he ordered to deliver up their arms, which, without hesitation, they did. The arms were taken possession of by Major Anthony. I also heard Left Hand, the chief of the Arapahoe nation, say that he was willing to submit to anything; that the whites might place him in irons, or kill him, but that he would not fight them. I was afterwards present at a consultation held by Major Anthony with chiefs of the Cheyenne and Arapahoe nation, at which he told them that he was now in command at Fort Lyon, and expected to be some time, but that he would insure them the same protection as I had, until such time as he could hear from the commanding general of the department. He told them to locate their villages close to the post, and to send out their young men to hunt buffalo. He told them that he had written to the big chief himself, since taking command, and told him a great many false reports had been circulated in regard to them, together with what he knew of their case, and that they should be in perfect safety until he got a reply. On the 26th day of November, 1864, I left Fort Lyon for the purpose of proceeding to district headquarters, in accordance with orders received. On the 28th day of November, while on the plains, I was overtaken by three Indians, namely, No-ta-ne (an Arapahoe) and two others. No-ta-ne stated that he had been sent by Black Kettle to overtake me and warn me that some two hundred Sioux had left the headwaters of the Smoky Hill, and had gone down to strike the road between where I was and Fort Larned, for the purpose of making war upon the whites; that, if I had not a sufficient escort, I had better return to Fort Lyon. I, however, proceeded on to Fort Larned without encountering any Indians; and upon my arrival at that post, from all that I could glean, learned that the statement of Black Kettle was correct; that the said body of Sioux, a few days previously, had been seen upon the river. That is all I know from my own personal knowledge. I returned to Fort Lyon on the 15th of January, with orders to assume command of the post, which I accordingly did.

Commission adjourned until 9 a. m. to-morrow, March 21, 1865.

TWENTY-EIGHTH DAY.

MARCH 21, 1865—9 a. m.

Commission met pursuant to adjournment. Present, all members and recorder.

Proceedings of yesterday read and approved, with the following amendments: Page 326, ninth and tenth lines, omit the words "whom I stated;" page 327, next to bottom line, to read "whose names I don't know;" page 328, second line, to read "whose names I don't know."

Direct examination of Major E. W. Wynkoop, veteran battalion first Colorado cavalry, by the commission, continued:

Question. At the time of your assuming command of Fort Lyon, in 1864, what department and district was the post then located?

Answer. District of Colorado, department of Kansas.

Question. Who commanded the district at that time, and how far was district headquarters from Fort Lyon?

Answer. Colonel John H. Chivington commanded the district at that time; district headquarters was about two hundred and fifty miles from Fort Lyon.

Question. Was there a change of district lines while you were in command of Fort Lyon?

Answer. There was.

Question. State the time and manner of such change.

Answer. I think the change was made about the middle of July, 1864. Fort Lyon was included in the district of the Upper Arkansas, headquarters at Fort Riley, Kansas, Major General Blunt in command.

Question. Was there any other change in the district lines, or command, while you were in command of Fort Lyon.

Answer. Yes. Major General Blunt left the district, and command was assumed by Major Henning, headquarters at Fort Riley.

Question. How far from Fort Lyon to headquarters, department of Kansas, and district of the Upper Arkansas? and what facilities had you for communicating with department and district headquarters?

Answer. Distance to district headquarters was about four hundred miles; to department headquarters, about five hundred miles. The opportunities for communicating to district and department headquarters were very limited in consequence of being obliged to cross the plains through a country where, during a large portion of the time, was troubled with hostile Indians; in fact, the only communication was by means of large bodies of troops.

Question. What tribe of Indians were at that time committing the depredations you speak of on the road?

Answer. It was my understanding the depredations were being committed by the Kiowas, Comanches, Sioux, Arapahoes, and Cheyennes.

Question. How long did they continue to commit depredations on the road?

Answer. Up to within a couple of weeks of the 10th of September, 1864, the date of my consultation on the Smoky Hill. I heard of no depredations committed between the 10th of September and the 29th of November, 1864, the date of Chivington's massacre at Sand creek.

Question. Were any depredations committed by the Indians west of Fort Lyon, and in the vicinity of the settlements, prior to the 10th of September, 1864?

Answer. Yes, there were depredations committed; there were men killed in the neighborhood of Fort Lyon and further west in the vicinity of the Arkansas settlements.

Question. How long after you received the letter from Black Kettle and other chiefs in reference to certain prisoners did you start for the Smoky Hill with command?

Answer. Two days afterwards. I received the letter on the 4th of September, 1864, and started on the 6th.

Question. Where were the white prisoners at the time of the council?

Answer. I do not know; when the Indians first saw me, they moved to a new village and left nothing but warriors behind, and I supposed the white captives to be with the village.

Question. Did Black Kettle and other chiefs in council say they were authorized to act for any other tribes than their own, in making peace with the whites?

Answer. They did not say they were authorized to act for other tribes; they told me that if peace was made with the Cheyennes and Arapahoes, the

was, and Comanches wanted peace also. Some of the chiefs said at the council, if they made peace and the whites wanted them to, they would assist in making peace with the Kiowas and Comanches.

Question. In the council on Smoky Hill was any reference made to a band of Indians called Dog soldiers.

Answer. Yes, I spoke to Black Kettle and asked him if he could control a portion of his tribe called Dog soldiers. I can't remember whether this conversation occurred at the council, but the conversation I have reference to took place with Black Kettle and Bull Bear, chief of the Dog soldiers, in case peace was made, whether they would submit to such terms as he might accept. He replied in the affirmative. I also understood from Bull Bear (the chief of the Dog soldiers,) that they (the Dog soldiers) would indorse whatever Black Kettle and other chiefs might do, in reference to making peace with the whites.

Question. What did the chiefs say in council on the Smoky Hill, and Denver, they would do in order to secure peace with the whites?

Answer. I do not know of anything particular they said; they appeared willing to submit to anything the whites might impose on them. They also said at different times, (I don't know exactly when and where,) that they were willing to assist the whites in fighting the other Indians who were hostile; they also said that they were willing to go up to their reservation and remain there.

Question. Did you have a conversation with the rescued white prisoners in reference to their capture and treatment by the Indians?

Answer. I had a conversation with the oldest one, a young girl about sixteen or seventeen years old.

Question. By whom did they say they had been taken?

Answer. She stated that herself and two of the children were taken by the Cheyennes.

Question. Did she state the place and circumstances of her capture?

Answer. She did; she said that she was taken on the Blue river, Kansas, from a ranch known as the Liberty Farm; that there were one woman and three children besides herself, taken at the same time and place, and I believe two men killed.

Question. On your return from the council on the Smoky Hill to Fort Lyon, did you make a report of what you had done? If so, state to whom you made it.

Answer. I made two reports; one to Major General Blunt, commanding the district, the other to Governor Evans, of Colorado.

Question. Can you furnish a copy of each of the reports?

Answer. I can, a copy of the report to Major General Curtis in relation to this affair; also the report to Governor Evans; also a report made to Colonel Ford, when commanding the district in which Fort Lyon was included, made in accordance with orders to return to Fort Lyon, assume command of the post, investigate and report in regard to late Indian proceedings in that vicinity. I have not a copy of the report furnished to Major General Blunt, but it was of the same purport of the report furnished to Governor Evans in regard to the details of the expedition. I can furnish copies in two or three days; Major Wynkoop was instructed by the commission to furnish copies of said reports, which will be appended to these proceedings, and marked in red letters F, S, and H.

Question. How long after your return from the council on the Smoky Hill did you leave for Denver, and who accompanied you?

Answer. It was a few days after my return from the Smoky Hill, I left for Denver with the Indian chiefs aforementioned in my testimony by an escort of about forty men, commanded by Lieutenant Cramer and accompanied by Captain W. H. W. and John Smith, United States Indian interpreter.

Question. At that time, had the settlers on the Arkansas left their farms on account of Indian depredations?

Answer. A large majority had. As I passed up through the Arkansas valley

I found a great many farms deserted, both on the Arkansas and Fountain-qui-bouit. I found the people congregated together at different points for mutual protection.

Question. On your arrival in Denver to whom did you report?

Answer. I did not report to anybody. I sent a message to the governor of Colorado Territory that I had arrived.

Question. By whom was the council with the Indians convened at Denver?

Answer. Governor Evans.

Commission adjourned until 1½ p. m.

One and a half p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

Direct examination of Major E. W. Wynkoop by the commission continued:

Question. Why did you send a message to Governor Evans that you had arrived with certain Indian chiefs, instead of to the military commander?

Answer. Because Governor Evans was ex officio superintendent of Indian affairs, and because I was not under the command of the commander of the district of Colorado.

Question. Did you have a conversation with Governor Evans in reference to the Indian proposals for peace?

(John M. Chivington most respectfully objects to the question for the reason that it is leading and can be answered by a negative or affirmative, and suggests the answer required.

Objection sustained by the commission.)

Question. Did you, while in Denver, have any conversation with any person or persons, holding an official position, in reference to the subject of your mission to that city?

Answer. I did.

Question. With whom did you have such conversation?

Answer. John Evans, governor of Colorado and ex officio superintendent of Indian affairs.

Question. What was the purport of that conversation?

Answer. I told Governor Evans that I had come to Denver in accordance with the report I had made to him; that I had brought the chiefs with me and desired that he would see them and hear what they had to say. He stated that he did not think he could have anything to do with them officially, as the Indians had declared war against the United States, and he considered that the matter now rested in the hands of the military authorities; besides, even if he could make peace with the Indians, he did not think it would be policy at that present time, for the reason that he had not punished the Indians sufficiently, and that if he made peace with them under these circumstances, the United States government would be acknowledging themselves whipped. He also said that the third regiment (one-hundred-days men) had been raised upon representations made by him to the department that their services were necessary to fight these Indians, and that now, after they had been raised and equipped, if peace was made before they had gone into the field, they would suppose at Washington that he had misrepresented matters, and that there never had been any necessity for the government to go to the expense of raising that regiment; that, therefore, there must be something for the third regiment to do; but he finally consented to see the Indians and talk with them, and he set an hour and day for that purpose. He also said that he gave me a great deal of credit for rescuing those white prisoners, but that he would not have adopted the same means that I had; that he, after finding out where their camp was, would have gone out and fought them and killed them, and made them deliver up the white captives. I reminded the governor then of the fact that all the force I could raise was

re hundred and twenty-seven men, after leaving sufficient garrison at Fort Lyon, and that the Indians numbered upwards of two thousand.

Question. How long after this conversation did the council meet? Who were present and what was done?

Answer. I think it was two days after this conversation, the council met; the government officials present, were: Governor Evans, Colonel John M. Chivington, Lieutenant Cramer, Captain Soule, and myself. There were some other officers whom I don't remember, a few citizens, and the United States Indian interpreter, John Smith. The Indians were composed of Black Kettle, White Antelope, and Bull Bear, of the Cheyennes, and Neva, No-ta-ne, Boisee, and Leap Buffalo, of the Arapahoes. At the conclusion of the council the Indians appeared perfectly satisfied with everything that had taken place; they expressed themselves, through the interpreter, that they supposed they were now all right. Black Kettle very affectionately embraced the governor; then he and the balance of the chiefs shook hands with all those assembled.

Question. How long after the council in Denver did you return to Fort Lyon?

Answer. In about five or six days, I think.

Question. On your return did you find the settlers on the Arkansas still absent from their farms?

(John M. Chivington most respectfully objects to the question, for the following reasons: that the question is leading, suggesting the answer required, and may be answered by a negative or affirmative.

Objection overruled by the commission.)

Answer. No; they had returned to their farms and were taking in their crops. It was just the season of the year when the corn was ripe.

Question. What induced them to return to their farms?

(John M. Chivington most respectfully objects to the question, for the reason that it has not been shown to the court that the witness is acquainted with the causes that actuated the settlers in their removals from and to their farms, and it is not competent for the court to prove conclusions, but only to elicit facts within the knowledge of the witness.

Objection overruled by the commission.)

Answer. Under an assurance from myself of safety; since I had the consultation with the Indians on the headwaters of the Smoky Hill, I told them that they could consider themselves in perfect safety until such time as I could give them warning to the contrary, and told them to return to their ranches and take in their crops, which they were doing upon my return from Denver.

Question. How long after your return to Fort Lyon did you commence issuing provisions to the Indians?

Answer. I don't know how long; it was in a few days after my return; there was a village of Arapahoes that I first issued provisions to.

Question. Did you have any council with the Indians after your return to Fort Lyon?

Answer. I did.

Question. State with whom you had such council?

Answer. It was with Black Kettle and some of the chiefs I took up to Denver, together with Left Hand, chief of the Arapahoes, and Little Raven, of the Arapahoes, at which consultation some of my officers were present—also Colonel William Bent and John Smith, the United States Indian interpreter.

Question. What was the object of the council and what was done?

Answer. I told the chiefs, what I have already stated in my testimony yesterday, to bring in their villages, so that I could have them under my own eye until such time as I could hear from department headquarters. I also told Black Kettle that I wanted him to bring me in the three remaining white captives as soon as possible, which he promised to do, but said it would take some time, as they were off at a distance, but that he would send Bull Bear (a portion of

whose band they were with) after them, with instructions to return as soon as possible. That is about all that occurred, except what I said yesterday in my testimony.

Question. Were the Indian chiefs advised of your sending an officer to department headquarters and the object you had in sending him?

Answer. They were.

Question. What statements did you make to Major Anthony, on his assuming command of Fort Lyons, in reference to the Indians?

Answer. The principal points I have heretofore detailed in my testimony in regard to my relations with the Indians.

Question. How long after being relieved of the command of Fort Lyon did you leave for district headquarters?

Answer. I was relieved from command on the 5th of November, 1864, and started for district headquarters on the 26th of November.

Question. Did you receive any orders on your arrival at district headquarters?

Answer. I did. I received an order placing me on duty at Fort Riley, and assumed command of the post.

Question. Did you make a report to the district or department commander after your arrival at Fort Riley?

Answer. I made a verbal report to the district commander at Fort Riley of my arrival. I also, after assuming command of Fort Riley, wrote a letter to Major General Curtis, commanding department, requesting permission to visit him for the purpose of making certain explanations in regard to my connection with Indian affairs at Fort Lyon, which request was granted, and I proceeded to department headquarters and had an interview with General Curtis.

Question. What explanations or report did you make to department commander?

Answer. I commenced to explain to him the facts that I have heretofore given in my testimony, but before I had finished he intimated to me that he was aware of all the facts, and that he had censured me not for the course I had adopted with the Indians particularly, but for committing an unmilitary act by leaving my district without orders and proceeding to Denver City with the Indian chiefs and white captives to the governor of Colorado instead of coming to himself, and asked what explanation I had to make. I told him that I had since become pretty well convinced that I had made a mistake, but that at the time I thought that Governor Evans was the proper person to refer that matter to, he being governor of Colorado Territory and *ex officio* Indian superintendent; that I had heard of no declaration of war with the United States. I also explained to him the isolated position of Fort Lyon, and how seldom the chances were for communicating with headquarters, and that in consequence, while in command at Fort Lyon, I felt it frequently incumbent upon me to assume responsibilities. I showed him a paper which I had in my possession, addressed to me from the settlers in the Arkansas valley and from the Fountain-qui-bouit and the Huerfano, which paper was to the effect that they were grateful for what I had done in reference to the Indians; complimenting me, and indorsing the course that I had adopted as the best that could have been followed for the interest and welfare of the settlers of Colorado; referring to the fact of my having obtained possession of the prisoners aforementioned, and complimented me for doing so. I also exhibited to the general a document addressed to myself, and signed by all the officers at Fort Lyon, which was to the effect that they indorsed my whole action with regard to the Indians, and thought that I had acted for the best interests of the service as well as for the benefit of the people of the country, which action was indorsed by Major Scott J. Anthony, who agreed with all that was therein stated, and ended by stating that he considered that Major Wynkoop had acted for the best.

Commission adjourned until 9 a. m. to-morrow, March 22, 1865.

TWENTY-NINTH DAY.

MARCH 22, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of yesterday read, amended as follows, and approved : On page 17, third line of first answer, to read, "from a ranch near what is known as liberty farm." Page 351, fourth line from bottom to read, "we had not," &c. Page 360, nineteenth line to read, "that I had heard of no declaration of war declared against these Indians, and did not suppose, as a nation, they were at war with the United States."

Direct examination of Major E. W. Wynkoop, by the commission continued :

Question. Can you furnish copies of the papers you refer to as shown to General Curtis ?

Answer. I can.

Major E. W. Wynkoop produced the papers which are appended to these proceedings, and marked in red letters I and K.

I.

FORT LYON, COLORADO,
November 25, 1864

DEAR SIR : Having learned with regret that you have been relieved and ordered to Fort Leavenworth to report your official proceedings in regard to Indians while in command of this post, I cannot let the opportunity pass without bearing testimony to the fact that the course adopted and carried out by you was the only proper one to pursue, and has been the means of saving the lives of hundreds of men, women, and children, as well as thousands of dollars' worth of property.

No one can doubt that the lively aid rendered by you (at the risk of your own life as well as the lives of your small command) to the captives among the Arapahoes and Cheyenne Indians, was also the means of saving their lives. For this act alone (even if you had not done more) you should receive the warmest thanks of all men, whether in military or civil life.

Your visit to Denver with some of the principal chiefs of the Arapahoe and Cheyenne tribes was productive of more good to the Indians, and did more to allay the fears of the inhabitants in the Arkansas valley, than all that has been done by all other persons in this portion of the department.

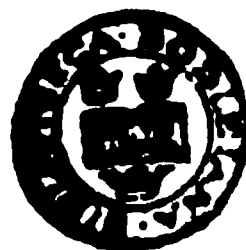
Since that time no depredations have been committed by these tribes, and the people have returned to their houses and farms, and are now living as quietly and peaceably as if the bloody scenes of the past summer had never been enacted.

Hoping that in all things your course will be approved by the commander of his department, and that you will soon be restored to your command in this district, I remain your obedient servant,

JOSEPH A. CRAMER,

Second Lieut. First Cavalry of Colorado, Commanding Co. K.

Major E. W. WYNKOOP.



FORT LYON, COLORADO TERRITORY,
November 25, 1864.

We, the undersigned, being conversant with all the facts set forth in the foregoing letter, heartily concur in the same.

R. A. HILL,
Captain First New Mexico Vols.
JAMES D. CANNON,
First Lieut. First New Mexico Vols.
WILLIAM P. MINTON,
Second Lieut. First New Mexico Vols.
C. M. COGSIL,
First Lieut. First Cav. of Colorado.
S. G. COLBEY,
United States Indian Agent.
HORACE W. BALDWIN,
Lieut. Ind. Battery C. V. A.
SILAS S. SOULE,
Captain First Cavalry of Colorado.
G. H. HARDIN,
First Lieut. First Cav. of Colorado.

The above letter was indorsed as follows :

HEADQUARTERS FORT LYON, C. T.,
November 26, 1864.

Respectfully forwarded to headquarters district, with the remarks : That it is the general opinion here by officers, soldiers, and citizens, that had it not been for the course pursued by Major Wynkoop towards the Cheyenne and Arapahoe Indians, the travel upon the public road must have entirely stopped and the settlers upon the ranches all through the country must have abandoned them or been murdered, as no force of troops sufficient to protect the road and settlements could be got together in this locality.

I think Major Wynkoop acted for the best in the matter.

SCOTT J. ANTHONY,
Major First Cavalry of Colorado, Commanding Post.

FORT LYON, COLORADO TERRITORY,
November 25, 1864.

Lieutenant Joseph A. Cramer and other officers of Fort Lyon state that having learned that Major E. W. Wynkoop has been relieved from command of Fort Lyon and ordered to Fort Leavenworth to report his official proceedings in regard to Indian affairs while in command of that fort, bear testimony that the plan adopted and carried out by him was the only proper one, and that he has been the means of saving the lives of hundreds of men, women, and children, and thousands of dollars' worth of property, and hope his proceedings will be approved by the department commander.

HEADQUARTERS DISTRICT UPPER ARKANSAS,
Fort Riley, December 6, 1864.

Respectfully forwarded to department headquarters.

R. S. HENNING,
Major Third Wisconsin Cavalry, Commanding District.

K.

WYNKOOP, *First Colorado Regiment Volunteers* :

undersigned, citizens of the Arkansas Valley, of Colorado Territory, your recent action in taking certain chiefs of the Arapahoe and bands of Indians to Denver to have a consultation with the governor, and your efforts thereby to effect a treaty of peace and restore peace between us and those tribes who have threatened our peace as settlers of this country, desire to express to you our hearty thanks for your laudable efforts to prevent further danger and bloodshed, and to gratulate you in your noble efforts to do what we consider right, and trust, whether those efforts on your part prove successful or not, that they may prove successful, and peace instead of war reign in our land.

In recognition of the danger and risks you have incurred in achieving the separation of the Indians from those tribes, the hazard to your own life and the lives of those under your command, we desire to further express our appreciation of your efforts, as well as your sense of right, and earnestly express the hope that the success which is justly your due may not go unrewarded in official recognition, as well as the gratitude of private citizens.

Boone.	Allen A. Bradford.
B. Willis.	P. K. Dobson.
Briggs.	James Chatam.
Rice.	M. Dobson.
Stetson.	J. M. Francisco.
As Antubees.	W. J. Thompson.
. Wellon.	Benj. B. Field.
Hayden.	Geo. F. Norris.
Reeker.	M. G. Bradford.
ms.	E. R. Cozzens.
e F. Hall.	J. A. Betts.
Robinson.	Jno. A. Thatcher.
Smith.	J. T. Smith.
Alexander.	

How long after your interview with the department commander did you assume command of Fort Lyon?

I assumed command at Fort Lyon about the 15th day of January. My interview with the department commander took place about the middle of the month.

At the time you left Fort Lyon for district headquarters where were the Indians with whom you had been in council?

The village was located at the Smoky Hill crossing of Sand creek, about six miles from Fort Lyon, and another village was in the neighborhood of Wynkoop, about sixty-five miles below Fort Lyon. The last village had recently moved from the vicinity of the post.

State the number of Indians who encamped at Sand creek, and of what tribes were they?

I could not positively state the number except from hearsay.

Did you while in Denver have conversation with any person occupying official positions as to what you had done in your dealings with the Indians?

Yes, I had with several occupying official positions.

State with whom you had such conversation.

With Governor John Evans, Colonel John M. Chivington, Major

J. S. Fillmore, and United States Marshal Hunt, and others, but whom I don't remember particularly.

Question. What statement did you make to the persons named, in that conversation?

Answer. In several instances I simply gave a statement in reference to my operation with the Indians, as stated in my testimony. I also, after the council held with the Indians had broken up, when questioned by any of these different persons in regard to what I was going to do in future with these Indians, invariably stated that I would bring them back to Fort Lyon and get them to bring their families into the vicinity of the post, until such time as some action was taken by proper authorities in relation to their proposition for peace. I mentioned this fact particularly to Colonel John M. Chivington, as made to Governor John Evans.

Question. Had you, previous to your council with them on the Smoky Hill, any acquaintance with the Cheyennes and Arapahoes?

(John M. Chivington most respectfully objects to the question, for the following reasons:

The court is convened to investigate certain facts pointed out by the instructions, &c., and it is not competent to prove any acquaintance the witness may have with the Cheyenne or any other Indians. The question is not of acquaintance, but of guilt or innocence, which can be established only by the establishment of certain facts in a legal and regular manner.

Objection overruled by the commission.)

Answer. I had, and have had upwards of seven years.

Commission adjourned until 1½ this p. m.

One and a half p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

Direct examination of Major E. W. Wynkoop by the commission closed.

Cross-examination of Major E. W. Wynkoop by J. H. Chivington, late colonel first Colorado cavalry:

Question. Prior to your expedition to the Smoky Hill, as stated in your examination in chief, what instructions had you received from the commanding officer of the district, or department in which Fort Lyon was located, in regard to your intercourse with the Indians, as commanding officer of Fort Lyon, by order, letter, or otherwise? Please state particularly.

Answer. I had never received any instructions in regard to what the question has reference to. I had received a letter from General Blunt, to the effect that on account of the peculiar position of Fort Lyon, a great deal was left to my discretion, being so far removed from headquarters, and the opportunities for communicating being seldom.

Question. Prior to your expedition to the Smoky Hill, had not Field Order No. 2, headquarters department of Kansas, Major General Curtis commanding, been received at Fort Lyon?

Answer. It had not, to my knowledge.

Question. Who brought in the Indians who carried the letter from the Indians to Major Colby and Colonel William Brent, as stated in your examination in chief?

Answer. Some soldiers brought them in, who were on their way to Denver to be mustered out of service.

Question. Have you ever seen Field Order No. 2, headquarters department of Kansas, 1864, Major General Curtis commanding?

Answer. I have.

Question. When did you first see it?

Answer. I can't remember the date or time, but it was since my expedition to the Smoky Hill.

question. When was it received at Fort Lyon, and have you a copy of it?

Answer. The first I heard of it being at Fort Lyon was when Major Anthony called me from the command on the 5th day of November, 1864. He brought copies with him. I have not a copy of it.

question. Do you keep a record of the orders received at Fort Lyon, the &c., from whom received, &c.?

Answer. I keep a file of all orders received at Fort Lyon only.

question. You stated that you received a letter signed Black Kettle and others, asking to give up some white prisoners, &c., and that they desired peace, &c.

First seeing the Indians after leaving Fort Lyon, did they act in a friendly manner towards you, or did they not manifest a disposition to fight rather than

Answer. The manner in which they were drawn up presented a hostile appearance.

question. What induced you to believe they did not intend to be hostile?

Answer. In the first place the fact of their not making an attack while having greatly superior numbers; and in the next, the fact of their delivering up the prisoners which they had in their possession, and their chiefs entering the camp and delivering themselves over to me.

question. After first seeing the Indians, were there not members of your command who expressed to you their fears of the Indians, and for certain causes threatened to return to Fort Lyon?

Answer. There were certain members of my command who expressed to me fears that the Indians intended treachery, but they did not threaten in my presence to return to Fort Lyon.

question. In your examination in chief you referred to a memorandum for &c. Is your statement as regards dates from the memorandum or memory?

Answer. From the memorandum taken from my official reports.

question. You say after meeting the Indians you went into camp on the bank of the creek. Was not your camp on this bank surrounded on three sides by the brush, and was not the brush or willows very thick on the opposite side of the creek, and how far was the centre of your camp to the brush?

Answer. The camp was not surrounded on three sides by the creek. From the rear of camp to the brush I should judge was from four hundred to six hundred yards. The brush or willow was thick on both sides of the creek.

question. Will you describe your camp, its formation, shape, length, width, how your men were arranged, &c., how large your guard, what their arms were, and if they were immediately on duty when you went into camp, whether your men were permitted to leave camp when they pleased?

Answer. The camp was formed, cavalry in line, battery in the centre, and companies coralled in rear of the battery. The camp was as wide as the line of wagons, and the depth of the wagons. The line was formed parallel with the creek. The men were not arranged in any particular formation. I don't remember the number on guard. My order to the officer of the day was to have the guard at certain intervals around the camp, and not allow any Indians to come into camp without my permission. They were on duty all the time, the time they were mounted until they were relieved. The men were not permitted to leave camp when they pleased.

question. Was this camp just referred to the camp first made after first seeing the Indians and in which your council was held, which you referred to in your examination in chief?

Answer. It was the camp in which the council was held. It was made the day I first saw the main body of Indians. I had seen a few Indians the day before.

question. What officer of your command was officer of the day on the day of the council and during the council, or at any time after first meeting the Indians?

dians? Did the Indians behave in a threatening manner towards you? If so, please state the particulars.

Answer. Lieutenant Hardin was officer of the day. I did not see them make any demonstrations that I considered hostile, except some of those who were present were apparently prepared for strife by having their bows strung and arrows in their hands. On the other hand my men had their loaded carbines in their hands, prepared at any time to fight.

Question. Was your attention called to any threatening demonstration made by the Indians during the council, and did not the officer of the day once during the council call to the men to fall in for the purpose of fighting the Indians?

Answer. While in the council I was told that Lieutenant Hardin, for some cause or other, had formed the men in line, and that the Indians seeing it, had made a demonstration as though they were preparing for a fight, but that nothing of this kind had taken place on the part of the Indians until our men had fallen in line.

Question. Did the Indians put any seeds or anything of that description into the vent of your howitzers?

Answer. I never knew of their doing so.

Question. During the council you state the Indians had among themselves, did not your interpreter inform you that the Indians meditated the destruction of your command?

Answer. He did not.

Commission adjourned until 9 a m. to-morrow, March 23, 1865.

THIRTIETH DAY.

MARCH 23, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of yesterday read and approved.

Cross-examination of Major E. W. Wynkoop by J. M. Chivington continued:

Question. At your first camp, where the council with the Indians was held, did not the Indians come into your camp, so that there were a great many more Indians in camp than soldiers of your command?

Answer. They did.

Question. Were not these Indians all armed, and did they not while in camp in many instances behave in a very threatening manner towards the soldiers of your command; and did not the Indians in some instances abstract the contents of the soldiers' pockets, taking such things as tobacco, &c.?

Answer. They were all armed. As I stated before, I did not see them act in a threatening manner. I never heard of their abstracting the contents of the soldiers' pockets.

Question. You stated that your command numbered one hundred and twenty-seven men; how many Indians, or about how many, were in camp during the council, or at the time Lieutenant Hardin ordered his men to fall in?

Answer. I do not know how many; I could not say positively about how many.

Question. Did Lieutenant Hardin, commanding the howitzers that accompanied your expedition, ever inform you of the fact that seed had been placed in the vent of the howitzers by the Indians, or did you ever have any conversation with Lieutenant Hardin, or any other officer of your command, in regard to that fact?

Answer. I heard that some grapes had been dropped into the vent of the gun. It was told me by some one or other, I don't remember who. That was the cause of a difficulty between the soldier on guard and an Indian. I understood that the soldier pushed the Indian off; that the Indian drew his bow and the soldier his revolver.

Question. In your conversation with the Indians in your camp, where the council was held, did you state to Black Kettle, One-Eye, or any other chief, that you were in the power of the Indians, and they could destroy you if they desired, or language to that effect?

Answer. I did not.

Question. Did the Indians state to you, at any conversation you had with them, that they could destroy you if they desired?

Answer. They did not.

Question. In your conversation with the Indians did you promise them substance or anything of that kind upon any conditions?

Answer. I did not.

Question. Was the cause of your moving toward Fort Lyon on account of the threatening demonstrations made toward you by the Indians, and the probability that if you remained there, there would be a collision between your command and the Indians?

Answer. My object in removing toward Fort Lyon was for the reason that I had no occasion to go the other way.

Question. Was this the only reason you had in going toward Fort Lyon?

Answer. The reason for moving my camp immediately to another locality was for the purpose of taking a better position, so that, in case the Indians did not accept the proposition I had made to them, and chose to be hostile, I would be in a better position to make a defence.

Question. Was there any act upon the part of the Indians that induced you to believe that they would not accept your proposition and would attack you? If so, what was that act?

Answer. I was induced to believe that my proposition might not be accepted from the fact that a portion of the chiefs composing the council appeared unwilling to deliver up the white prisoners, simply from my statement that I would endeavor to procure them peace. They desired an assurance of peace, which I told them positively I could not give them; and as an officer I took what I deemed to be the necessary precaution.

Question. Did John Smith, United States Indian interpreter, at any time state to you or any officer of your command that he would have to talk for your lives—that the Indians meditated the destruction of yourself and command?

Answer. He made no statement of that kind to me. I do not know of his making any statement to any officer of my command to that effect.

Question. Did Black Kettle or One-Eye at any time address the Indians assembled about your camp, and implore the Indians not to destroy yourself and command?

Answer. I did not know of their doing anything of that kind.

Question. How long after the council you held with the Indians were the white captives brought to you? and who were the Indians that brought in the captives? and did they not state that the Dog soldiers, they feared, could not be controlled?

Answer. One was brought in the next day, and three others the day after. The first was brought in by Left Hand, chief of the Arapahoes, and the other three by Black Kettle, chief of the Cheyennes. They did not state that they feared the Dog soldiers could not be controlled.

Question. Will you explain what the Dog soldiers are, and how they are controlled?

Answer. I understand that the Dog soldiers are a portion of the warriors of the Cheyenne tribe, and presume that they are controlled by the headmen.

Question. Did any of the chiefs, or did John Smith, at any time state to you that they feared the Dog soldiers, as well as the Indian warriors generally, could not be controlled; and did not some of the Indian chiefs advise you to move toward Fort Lyon, fearing a collision between your command and the Indians?

Answer. They did not.

Question. You stated in your direct examination that Colonel John M. Chivington said in Denver, at the council with the Indians, that he (Chivington) was the big war chief of this part of the country, &c. Who was present when Colonel Chivington made this statement? and did not Colonel Chivington manifest a desire for peace with the Indians, provided Major General Curtis would consent, and provided a peace could be made that would afford permanent security to the people of Colorado Territory? and did not Colonel Chivington state that he was determined the white people of Colorado should be protected in their lives and property, if he had to kill all the Indians on the plains; and was not all Colonel Chivington's conversation with you manifestly for the whites, regardless of the sympathies that others might have for the Indians?

Answer. All those were present I believe that I have stated were present at the council. I never heard him express himself in that way, manifesting a desire for peace, &c., or heard him make use of the expressions used in the latter part of the question. I had no conversation with him of importance, except what I had done and intended to do. He expressed no opinion particularly on the subject that I can remember, at any time that I was in Denver.

Question. Who was present when this conversation occurred between yourself and Colonel Chivington?

Answer. No person was present but myself.

Commission adjourned until 1½ this p. m.

One and a half p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

Cross-examination of Major E. W. Wynkoop by J. M. Chivington continued:

Question. Were you in the council during the whole time of its sitting in Denver?

Answer. I was.

Question. In the council at Denver, did Colonel Chivington at any time encourage the Indians in the belief that peace would be made with them on their own terms? but did he not, on the contrary, treat the Indians in such a manner that they would believe that he (Chivington) would not make peace with them or encourage the making of peace with them?

Answer. All that he did and said is what I have already stated in my direct examination.

Question. From Governor Evans's conversation with the Indians, at the council in Denver, could the Indians believe that peace would be made with them by the government, or did Governor Evans encourage the Indians to believe that peace would be made with them?

Answer. I should not judge from his conversation that he encouraged or discouraged them; but they were under the impression, from some cause or other, that they were all right.

Question. You state that Governor Evans wished the third regiment would do something, so that the government would not think it had been raised without a cause, &c. Did not Governor Evans also say that he believed it to be policy to whip the Indians, as without that being first done nothing could be accomplished that would be a permanent benefit to the government?

Answer. He did state that it would not be policy to make peace with the Indians until they had been punished more.

Question. In the council with the Indians at Denver, did any person attempt to prevent the Indians from telling all they desired in regard to their difficulties with the whites?

Answer. I did not see or hear anybody attempt to prevent them.

Question. On your return to Fort Lyon and after the Indians had brought in their squaws and children, did not the Indians retain in their possession government horses, mules, &c., branded U. S., and evidently stolen from the government, besides other property belonging to the government?

Answer. I understood that the village of Arapahoes that was located in the vicinity of the post had in their possession some government animals, but before I investigated the matter I was relieved from command by Major Scott J. Anthony, who told me afterwards that he had looked for government animals among their herd, but had found none.

Question. Did you not at one time, upon hearing a report that the Utes, who were at peace with the whites, were about attacking the Arapahoes or Cheyennes near Fort Lyon, take the larger portion of your command out to fight the Utes?

Answer. I did not. I heard that the Utes were in the neighborhood of the Arapahoe camp, and heard that the Arapahoes had started out to fight them, and with twenty mounted men I rode out to see what was going on.

Question. Will you state how much subsistence, in quantity and value, you issued to the Indians up to the time that you were relieved from command, and whether Major Anthony did not tell you when he assumed command of Fort Lyon that he would make the issues to the Indians as you had done?

Answer. I don't know how much I issued, and don't remember of Major Anthony mentioning anything particular in regard to issuing rations to Indians.

Question. Was there no account kept of the issues to the Indians, and could you not obtain such account of your assistant commissary of subsistence?

Answer. The issues were made to the Indians on orders issued by myself to the assistant commissary of subsistence, and I presume he could furnish a statement of the amount issued on those orders.

Question. In your interview with the major general commanding (General Curtis) did he express to you his policy in regard to the treatment of Indians, and what orders he had given to Colonel Chivington in regard to their punishment?

Answer. He did not.

Question. During the council on the tributary of the Smoky Hill which you held with the Indians, did the Indians at any time get possession of the howitzers you had with your command, and sit upon them, at the same time manifesting a great deal of contempt for your command, &c.?

Answer. They did not.

Question. You state that persons in your command, while on the expedition to the Smoky Hill, &c., expressed their fears of the Indians' treachery, but no persons of your command threatened to you to return to Fort Lyon; did any person ever inform you that such threats had been made?

Answer. Yes.

Question. By whom were you informed of that fact, and what was the cause of such threats? Please state particularly.

Answer. I don't remember who informed me. I understood that the cause of the threats was, that the men were fearful that the Indians would prove treacherous.

Question. Did One-Eye at any time while on this expedition state to the Indians that you and your command should be protected from all harm from the Indians, and that he had pledged himself to protect you and your command, and that if the Indians harmed you or your command he would go with the whites and fight against the Indians?

Answer. His remarks as interpreted to me by the United States Indian interpreter were to the effect that if they (the Indians) still determined to fight against the whites he would assist the whites.

Question. What was the cause of this remark, and where was it made?

Answer. I don't know what the cause of the remark was. It was made while the council was in session.

Question. Did John Smith, the interpreter, pretend to interpret to you all the Indians said in council ?

Answer. No, that would have been impossible ; he interpreted, as he said, all that was said in reference to the matters for which the council was held.

Cross-examination of Major E. W. Wynkoop by J. M. Chivington closed. Commission adjourned until 9 a. m. to-morrow, March 24, 1865.

THIRTY-FIRST DAY.

MARCH 24, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of yesterday read and approved.

Re-examination of Major E. W. Wynkoop :

By the COMMISSION :

Question. Were the Indians, while in council in Denver, enabled to make a statement of what they had suffered by the depredations of the whites ?

Answer. They were not. I asked Governor Evans in the council to ask some questions in regard to that, which he did not do. The principal questions asked were in regard to what they had done, which they answered without hesitation and with apparent truthfulness.

Question. What is the purport of Field Order No. 2, referred to in your cross-examination ?

Answer. One paragraph was to the effect that Indians must not be permitted to enter a post without being blindfolded. Another paragraph, complimenting Lieutenant Ellsworth for building defences at Smoky Hill crossing, and censuring other post and station commanders for not having done likewise. There were other things in that order which I don't remember.

Question. Did you, in council with the Indians, after being relieved of the command of Fort Lyon, advise the Indians to depend upon the assurances given them by Major Anthony ?

Answer. In the council held with the Indians by Major Anthony I was present, and requested Major Anthony to allow me to say a few words to the chiefs, which he granted. I then told them how I was situated, having been relieved from the command by Major Anthony, and that I was no longer in authority, but that Major Anthony, who was now in command, would treat them the same as I had done, until something definite could be heard from proper quarters in regard to them, and advised them to rely upon what he told them ; that he was a good chief.

By J. M. CHIVINGTON :

Question. After your expedition to the tributary of the Smoky Hill, and up to the time of your being relieved from command of Fort Lyon, did you not allow the Indians to visit Fort Lyon as they pleased, and did not large numbers of Indians go into Fort Lyon and have dances on the parade ground of that post ?

Answer. Large numbers of Indians were not allowed to enter Fort Lyon as they pleased. There were a few Indians at one time that had a dance in front of the United States Indian agent's dwelling, and at the time this occurrence took place I was not aware of the existence of Field Order No. 2.

Question. About how many Indians were there that participated in the dance the Indians had in front of the agent's dwelling ?

Answer. I believe there were about three.

Question. About how many Indians were there present who did not participate in the dance in front of the agent's dwelling ?

Answer. I could not say about how many.

Question. Did you see the Indians present who did not participate in the dance in front of the agent's dwelling?

Answer. I did.

Question. You say that you told the Indians to rely upon what Major Anthony told them. Did Major Anthony hear you tell the Indians this, and did he consent to the assurances you gave the Indians in regard to his treatment of the Indians?

Answer. Major Anthony was present when I told them, but I don't remember his making any remarks on the subject, although I had at different times heard him give them assurances of safety.

Re-examination of Major E. W. Wynkoop closed.

JOHN W. PROWERS called in by the commission to give evidence. The oath being administered according to law, he (Powers) testified as follows:

Question. What is your full name, residence, and occupation?

Answer. John W. Powers; Fort Lyon, Colorado Territory; government contractor and employé.

Question. How long have you resided in what is known as the Territory of Colorado?

Answer. Two years in July.

Question. How long have you resided in the Indian country?

Answer. Ever since I have been here.

Question. Among what tribes of Indians have you resided?

Answer. Cheyennes and Arapahoes.

Question. Are you familiar with the languages, manners, and customs of the Cheyennes and Arapahoes?

Answer. Yes, to a considerable extent. I have acted as interpreter here at the post in the last two or three years several times; part of the time regularly employed by the commanding officer, and sometimes, when sent for, acting voluntarily.

Question. How are the Cheyennes and Arapahoes organized and governed among themselves?

Answer. Organized in bands; governed by the head men of the tribes; each band has a chief, separate from the head men of the tribes. When the principal chiefs get together for council, they call the head chiefs of each separate band to sit in council with them.

Question. Is the head chief of each band a "war" or a "council chief?"

Answer. War chief.

Question. Who were the principal chiefs of the Cheyenne and Arapahoe tribes last year?

Answer. Of the Cheyennes, Black Kettle, White Antelope, Lean Bear, and Lake; of the Arapahoes, Little Raven, Left Hand, Neva.

Question. Who are known as the head war chiefs of each tribe?

Answer. I do not know the names of the head war chiefs of the tribes. They very often change at different times.

Question. Do you know who were known as the head war chiefs of each tribe last summer and fall?

Answer. I do not, only of the Dog soldiers: Bull Bear.

Question. Are the Cheyennes divided into different bands?

Answer. Yes.

Question. Into how many, and how are they or each of them governed?

Answer. Four or five—five, I think, governed by the principal chiefs of the tribe.

Question. What are known among the Cheyennes as "Dog soldiers?"

Answer. A band that ranges on the Platte. I never have seen them but once at this place. They came here in 1856, and drew their presents from Major

Robert Miller, Indian agent, and have not been back here since. They live most of the time on the Smoky Hill and Republican, and have done their trading altogether on the Platte, sometimes on the North and sometimes on the South Platte. They have done no trading on this river, nor with any one from here, to my knowledge, since 1856. They have been sent for often, but would never come into this place, for some reason of difficulty between themselves and other bands of Cheyennes. They have drawn off from Black Kettle's band, and refused to have anything to do with him, and have appointed their own trading man. They do not claim any connection to Black Kettle's band whatever. They have often tried to persuade Black Kettle's band to go north of the Platte to their old lands between the Platte and the Missouri river. Black Kettle always refused and never would go. They (the Dog soldiers) being a large band, have often threatened to take all the Indians north of the Platte by force. For some reason they never attempted to take them by force. They have often threatened, but never attempted. They (the Dog soldiers) have always been very mean to white traders, always wanting to make the traders trade as they (the Dog soldiers) pleased. They have often thrown the traders' goods into the fire.

Commission adjourned until 1½ this p. m.

One and a half p. m.—Commission met pursuant to adjournment. Present. all members and recorder.

Examination of John W. Prowers by the commission continued:

Question. When did the Dog soldiers separate themselves from Black Kettle's band?

Answer. About nine years ago this fall.

Question. What portion of the Cheyenne Indians are known as Dog soldiers?

Answer. A strong band, in the neighborhood of a hundred lodges.

Question. Where were the Dog soldiers last summer and fall?

Answer. On the Smoky Hill and the Republican, I understood; I don't know positively. A portion of them I understood were over there when Wynkoop went over, but only a portion.

Question. Did you accompany Major Wynkoop to the Smoky Hill last September?

Answer. I did not.

Question. Did you see Black Kettle, One-Eye, and other chiefs of the Cheyennes and Arapahoes last September, before or after the council on Smoky Hill?

Answer. I saw One-Eye before the council on the Smoky Hill, and Black Kettle and One-Eye here at the fort after the council.

Question. Did you have any conversation with them in reference to peace?

Answer. Yes; I talked with them some.

Question. What was said in that conversation by yourself, Black Kettle, and One-Eye?

(John M. Chivington most respectfully objects to the question, for the following reasons: That it has not been shown that the witness was an authorized agent of the government, and consequently, whatever conversation occurred between unauthorized parties cannot be used as evidence to show the disposition of the Indians toward the whites; that the statement of an Indian to an acquaintance is not such testimony as the court in our opinion should receive.

Objection overruled by the commission.)

Answer. The talk was at the place known as Caddoe. There they told me that Black Kettle had been to Denver; had seen Governor Evans and Colonel Chivington; that they could not make any treaty of peace with them; that their case had been left in the hands of Major Wynkoop; that any arrangement Wynkoop would make for them they would abide by it. Black Kettle started next

ly to bring in his village, as Major Wynkoop told him to move in. One-Eye so returned to the camp and brought in his family and lodges, and camped on the side of me. He left Black Kettle on Sand creek, and came in several days ahead of him. Finally, Black Kettle came in, and I came down from Caddo the fort, and here I met Black Kettle and several of the principal men, and by the request of Major Colley and Lieutenant Cossitt I attended council here in the commissary building, when John Smith acted as interpreter. During the absence

Black Kettle Major Wynkoop had been relieved by Major Anthony, in command of the post. Major Wynkoop asked permission of Major Anthony to say a few words to the chiefs, which permission was granted. Major Wynkoop told the Indians that he was no more in command of the post, and he (Wynkoop) could do no more for them. He also told the Indians that they could depend on what Major Anthony said. Then Major Anthony spoke to them. He said that below here, on his way up, he heard a great many bad reports about Black Kettle's Indians, and that he expected to have a fight with them upon his arrival here. After arriving here I heard things quite different, but was glad to meet them; that he had seen Major Wynkoop's reports to headquarters, and had approved of them; that he would try and do everything he could to have permanent peace made for the whole tribe, (Black Kettle's band;) that he hoped the day was near at hand when we could visit their villages, and they could visit our camps, and trade their furs for provisions, coffee, flour, &c. For the present he could not issue them any rations, owing to his orders from headquarters; that he hoped in a few days to get news so that he might give them something to eat. He told them to remain on Sand creek, and let their young men go hunting buffalo. He also told them that they could come in at any time when they felt like it, and that he would always be glad to see them. He told them that he expected that the next mail would bring him some news from Leavenworth, and that if it was good or bad he would let them know, agreeable to his promise to Major Wynkoop. That was about all that was said by Major Anthony. Black Kettle spoke next, saying that he was perfectly satisfied with what he had heard; that his village would remain on Sand creek, and said that if any news came from the States he would like to know, so as to move his village on to the river. He said that he had intended to move at once on to the Purgatory, but that he was perfectly willing to stop on Sand creek, as Major Anthony had advised them. He then told Major Anthony that they wanted to visit Colonel Bent's ranch at the mouth of the Purgatory. Major Anthony then spoke, saying that he had nothing to give them, and no place to keep them for the night. I then spoke, and asked permission to let them go to my place. The major said that he was glad that I should take them. I asked the Indians to go, and they went with me. I fed them that night, and the next morning Black Kettle and a portion of his band then started for Colonel Bent's. A portion remained at my place, and the next day Black Kettle returned, and remained at my camp that night; sent for me in the tent to come and see them. They said they were perfectly satisfied with the way things were going, and hoped the matter would soon be settled. They said that they were very sorry that Major Wynkoop had been removed, but thought that Major Anthony would do all he could for them, and that they felt perfectly easy. Black Kettle asked me what I thought of the council. I told him that I thought it was all right; that from all I could learn I thought everything favorable. They all appeared much pleased with what I had told them, and hoped that it would all be so. Next morning, before leaving my place, I made them a few presents, sugar, coffee, flour, rice, and bacon. I also gave them some tobacco which had been purchased by the officers at this post, and sent to me to give them. They were well pleased, and thanked the officers for giving them the tobacco, (some of the officers being present,) and shook hands all around. Major Anthony had agreed to come up and see them at my place, and for some reason did not come. He sent John

Smith up to talk for him. John Smith told them that he was sorry that he (Anthony) could not come up to see them, but would be glad at any time to see them at the post, and for them to remain on Sand creek with their lodges; that they should be perfectly safe there. Then they shook hands all around, and the talk broke up, and the Indians left for the camp on Sand creek.

Question. At what time in the year did this last talk take place?

Answer. Some time about the middle of November; I can't recollect the date.

Question. How many Indians encamped on Sand creek with Black Kettle?

Answer. I do not know exactly; I understood something over a hundred lodges—about one hundred and twenty or thirty lodges.

Question. Did any Indians afterwards, and prior to the 29th of November, join Black Kettle on Sand creek?

Answer. Not that I know of.

Question. Did any of the Indians who were encamped on Sand creek with Black Kettle move to some other place prior to the 29th of November, 1864?

Answer. A few lodges had moved up the creek away; how many I do not know.

Question. How far up the creek?

Answer. I did not learn.

Question. How many Indians usually occupy a Cheyenne lodge when in camp?

(John M. Chivington most respectfully objects to the question, for the reason that the witness evidently knows or has intimated he knew how many Indians there were in Black Kettle's village, and that under the circumstances we think the court should not attempt to apply a general rule of average, when the number can be more closely approximated to by the knowledge of the witness of the exact number of Indians in the village of Black Kettle.

Objections overruled by the commission.)

Answer. About five.

Question. How many warriors usually occupy a Cheyenne lodge when in camp?

(John M. Chivington most respectfully objects to the question, on the grounds that the witness has not stated yet that he did not know how many Indian warriors were in the village of Black Kettle, and that the rule of average will not apply nor should be applied by the court until the witness states that he cannot tell how many were in the village.

Objection sustained by the commission.)

Question. How many warriors encamped with Black Kettle at the time you speak of on Sand creek?

Answer. I do not know.

Question. How many warriors usually occupy a Cheyenne lodge when in camp?

Answer. About three to every two lodges.

Commission adjourned until 9 a. m. to-morrow, March 25, 1865.

THIRTY-SECOND DAY.

MARCH 25, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of yesterday read and approved.

Examination of John W. Prowers by the commission continued:

Question. At the time the Indians went into camp on Sand creek, did they have any stock?

Answer. I did not see them; they usually have horses, mules, and ponies.

Question. What amount of stock did Black Kettle's band own at or about the time they went into camp on Sand creek?

Answer. I do not know.

1. What position did Black Kettle and One-Eye hold in the Cheyenne during the latter part of the year 1864?

. Black Kettle was the principal man of the tribe, and One-Eye was principal men, but not one of the head chiefs; he had a great deal of influence with the tribe, and they always listened to his council.

2. In the council with Majors Wynkoop and Anthony at Fort Lyon, did Black Kettle speak for and claim to represent any other tribe than his own?

. None other that I know of.

3. Did the Indians known as Black Kettle's band have any other property in their camp of value, excepting stock?

. Only their fineries, saddles, bridles, blankets, silver tails, worn in the shape of breastplates, and must have had considerable clothing, as they had received a few days before from Major Colley—domestic, calico, Indian cloth, knives, axes, sugar, coffee, bacon, flour, and numerous small articles, &c., drawn from Major Colley, Indian agent, a few days before they came into camp, or some time in October; I don't remember the date.

4. While in camp on Sand creek, and after the issue you refer to, did Black Kettle's band receive any property of value?

. Not that I know of.

5. Where were you during the latter part of November, 1864?

. At Caddoe, seven miles above here, herding government beef cattle, and mules, &c.

6. Did anything happen to you about that time?

. I was taken prisoner one Sunday evening, about sundown, by men of the 8th E, first cavalry of Colorado, by orders of Colonel Chivington, and we were even in number, were all disarmed and not allowed to leave the house for eight days and a half, during which time the horses and cattle were kept for miles.

7. Were any reasons given for your arrest? If so, what were they?

. No reasons given whatever; the men were ordered to disarm us, and to allow any one to come or go to and from the place.

8. At what time and by whose orders were you afterwards relieved?

. By Captain Cook's orders, two days and a half after I was arrested.

9. By whose authority did Captain Cook release you?

. I do not know; he was in command of the post at the time.

10. You say you were arrested on Sunday at sundown; at what time were you released by Captain Cook?

. Wednesday, about noon.

11. Did you at any time hear the reasons for your being arrested?

. I understood it was because I had an Indian family. The colonel thought I might communicate some news to the Indians encamped on Sand creek.

12. What became of Black Kettle's band who had encamped on Sand creek?

. I do not know.

Examination of John W. Prowers by the commission closed.

Examination of John W. Prowers, by J. M. Chivington:

1. What business first induced you to reside among the Indians?

. I came out with Robert Mills, Indian agent, as clerk; afterwards with Colonel William Bent. Good wages and situation induced me to reside among the Indians.

2. Are you not married to an Indian girl? and if so, how long have you been married?

. Yes; I have been married four years in January last.

Question. Whose daughter did you marry ?

Answer. One-Eye's.

Question. On or about the 28th of November last, did you not tell some persons who visited your camp that the Indians were not to be trusted, and that you kept Indians in your camp for the purpose of apprising you if the Cheyennes and Arapahoes attempt to kill or injure you ?

Answer. No.

Question. You state in your examination in chief that at the time the Indians went into camp on Sand creek the Indians had mules, horses, &c. Did you see in the camp of the Indians on Sand creek any of the horses, mules, &c., that you have stated were there ?

Answer. I was not in their camp, and therefore I did not see any in their camp, but they rode horses and mules to my camp. I think I saw some sixty or seventy horses, ponies, and mules.

Question. You say you were not in the camp of the Indians at Sand creek. How then do you know there were any of the animals you spoke of as being in the possession of the Indians at their camp on Sand creek ?

Answer. The Indians told me that they had left a number of their animals in camp that were lame. Heretofore I have known them to have from six to fifteen animals to a lodge, and do not know of their losing any number of horses at any time during the last year or two.

Question. Is this the only way you know that the Indians had animals in their camp at Sand creek ?

Answer. It is the only way I know.

Question. You state that Major Colley issued a great many articles of domestics, calicoes, &c., to the Indians. Is this the only way you know that the Indians had these articles at their camp at Sand creek in the latter part of November 1864 ?

Answer. It is the only way I know. I saw Major Colley issue them to the Indians at Fort Lyon.

Question. Did you ever tell the Indians that in case of any meditated attack upon them by the whites you would give them warning, if in your power ?

Answer. I did not

Question. Did you ever have any conversation with any person in regard to what you would or could testify to before this court ? If so, with whom ?

Answer. I never had any conversation with any one in regard to what I would or could testify to before this court; nothing more than what I have said. I never made the remark as to what I would or could testify to, to any one. The question has never been asked me.

Commission adjourned until Monday, March 27, 1865, at 9 a. m.

THIRTY-THIRD DAY.

MARCH 27, 1865.

Commission met pursuant to adjournment. Present, all members and recorder.

Proceedings of Saturday, the 25th ultimo, read, amended as follows, and approved: On page 411, first and second line to read "allowed to leave the house for three nights and two days and a half."

The question of J. M. Chivington, before the adjournment, Saturday is rejected and not placed on the record, because he asked the witness if a certain officer (naming him, a member of this commission) had not conversed with him, the witness, in reference to what he could or should testify to before this commission, and this before it appears that the witness ever had any conversation upon the subject with the officer mentioned, and after the witness has testified that he had no conversation with any one in regard to what he could or would testify

before this commission, and that he never made the remark as to what he had and would testify to to any one, and that the question had never been asked him.

John M. Chivington most respectfully protests against the ruling of the court in the case of the last interrogatory, which the court has refused to place on record, for the following reasons: That it is the duty of the court to record all interrogatories filed by J. M. Chivington, that the record of the court may embrace every transaction occurring therein; that placing, as the court has done, a resolution of censure upon the records against John M. Chivington, without also placing upon the records the interrogatory upon which that resolution of censure is based, is not rendering him a fair opportunity with the approving officers to show the motives that prompted him in his conduct before the court; that J. M. Chivington would most respectfully inform this court that it always will be, as it always has been, his intention to behave toward this court with all the respect that the most technical could demand.)

Cross-examination of John W. Prowers, by J. W. Chivington, continued:

Question. Were not the expressions of satisfaction by Black Kettle, One-Eye, and other Indians, upon leaving your camp, induced by the presents, &c., you told you made them, rather than by any reasonable grounds they could have had for supposing that peace would be made with them?

Answer. Not at all. They would have felt the same if I had not given them anything. What they did say to me they said before I gave them any presents.

Question. Were not the feelings of satisfaction expressed by Black Kettle, One-Eye, and other Indians in regard to peace, made for the purpose of obtaining presents from you, knowing or thinking you were afraid of them?

Answer. No.

Question. Have you at any time, at any place, or to any person, expressed your distrust of the Arapahoes and Cheyenne Indians' sincerity?

Answer. Not that I can remember of; at least, I have not within the last year or two, that I know of.

Cross-examination of John W. Prowers, by J. M. Chivington, closed.

Re-examination of John W. Prowers, by the commission:

Question. Have you any doubt as to the truthfulness of Black Kettle and One-Eye?

(John M. Chivington most respectfully objects to the question, for the following reasons: That it is not competent for the court to prove the veracity of the statement of any party whose evidence has been placed on record; that the language of Black Kettle and One-Eye being brought before the court as evidence, as being only the statement of Indians who were not at the time under the obligations of an oath, to an unauthorized person, is, in our opinion, not the proper subject to produce evidence upon, either to show their veracity or mendacity—is irrelevant and irregular.

Objection sustained by the commission.)

Re-examination of John W. Prowers closed.

Lieutenant CANNON called in by the commission to give evidence.

The oath being administered according to law, he (Lieutenant Cannon) testifies as follows:

Question. What is your full name and occupation?

Answer. James Dean Cannon; occupation, a soldier or officer in the United States volunteers.

Question. What is your rank in the army, and where are you on duty?

Answer. My rank is first lieutenant, company K, first New Mexico volunteers. I am on duty at Fort Lyon, Colorado Territory.

Question. How long have you been at Fort Lyon?

Answer. I believe I came here in September last.

Question. State what was done at Fort Lyon during the latter part of November, 1864.

Answer. Along about the middle of November a partial treaty was made with the Arapahoe and Cheyenne Indians. In the latter part of November, Colonel Chivington arrived here with a command. Major Anthony was then in command of the post. I was then in command of company K, first New Mexico volunteers, Captain Hill being absent. Major Anthony came to me on the 28th of November, and asked me if I was willing to go out as adjutant of the Fort Lyon battalion on an Indian expedition. I asked Major Anthony what the object was of this expedition. He told me that it was to be a thorough, vigorous Indian warfare. I told him if such was the case I had no objection to go; that I would do as much and go as far as any person; but that I was fearful that it was only of short duration, as the principal part of Colonel Chivington's command were one-hundred-days men, whose term of service had nearly expired; that I was fearful that all it would amount to was that they would go out there and jump into the band of Indians that we had coralled. He assured me again that it would be a thorough, vigorous warfare; that we would go on to the Smoky Hill and Republican. He then issued an order placing me on duty as adjutant of the Fort Lyon battalion. We started accordingly on the night of the 28th of November, about 8 o'clock in the evening. We marched all night, and a little after daylight, on the morning of the 29th, came in sight of the camp of Indians. The command was halted by Colonel Chivington, in order for the men to strap their overcoats on to their saddles. Before we were ordered to charge, Colonel Chivington addressed his command. He says, "Men, remember the murdered women and children on the Platte." We were then ordered to charge the Indian camp, which we did. As soon as near enough, we opened fire on their camp, the Indians returning the fire and retreating into the bed of Sand creek, and up the creek. A portion of our command was on each side of the creek, the artillery in the bed of the creek. We pursued them a distance of some three or four miles, with almost a continued fire from each on either side. As the Indians would escape from the creek to the bluffs, they were pursued by troops on either side as long as any could be found. That is all I know in regard to the fight.

Commission adjourned until 1½ this p. m.

One and a half p. m.—Commission met pursuant to adjournment. Present all members and recorder.

Examination of James D. Cannon, first lieutenant first New Mexico volunteers, by the commission, continued:

Question. Did you, prior to the attack on Black Kettle's camp, have any conversation with any officer, besides Major Anthony, in reference to the Indians encamped on Sand creek?

Answer. I think I did.

Question. With whom did you have such conversation?

Answer. With Captain Soule, Lieutenant Cramer, and I am not sure but what I did with Major Downing; I think I did.

Question. What orders were given by the commander during the attack on Black Kettle's camp?

Answer. I heard no order except "to charge upon the camp and remember the murdered women and children on the Platte;" that is, I heard no other orders from the commander.

Question. How many Indians were in the camp at the time of the attack upon them?

Answer. As near as I could judge I should say there were from five hundred to six hundred souls, all told. I would state that my opinion is formed from

number of Indians who generally occupy a lodge, and knowing the number of lodges in the camp.

Question. What proportion of the whole number were women and children?

Answer. I would say two-thirds, to the best of my knowledge.

Question. In what order did Colonel Chivington's command move up the creek while attacking the Indians?

Answer. On the northeast side of the creek, being the side I was on. As one company would come up opposite to where the Indians were in the creek they were ordered to dismount by the company commander; they would continue to fire until the Indians would get out of their reach up the creek. Then the cavalry dismounted would be ordered to mount and renew their charge. In the mean time another company would often pass them and get in ahead and would mount to commence their fire the same as before.

Question. Did the Indians try to shelter themselves from the fire of Colonel Chivington's command? If so, in what manner?

Answer. They did; by digging holes under the banks and in the top of the sand banks in the sand.

Question. How long did the fight continue, and how many Indians were killed?

Answer. The fight, I judge, continued some four or five hours. My estimate of the number of Indians killed was about two hundred, all told.

Question. What proportion of those killed were women and children?

Answer. I would say two-thirds, to the best of my knowledge.

Question. During the fight on Sand creek was any portion of Colonel Chivington's command so situated as to be under the fire of another portion?

Answer. Yes.

Question. Did any Indians escape from Sand creek after the fight commenced?

Answer. I think they did.

Question. Was anything done with or to the Indians killed?

Answer. Yes.

Question. State what was done.

Answer. They were scalped and mutilated in various ways.

Question. Did the commanding officer make any attempt to prevent the robbing and mutilating of the dead?

(J. M. Chivington most respectfully objects to the question, for the following reason: That it has not been shown that the commanding officer had any knowledge that such mutilation was being done.

Objection overruled by the commission.)

Answer. Not to my knowledge.

Question. Did you have any conversation with the commanding officer during or after the fight on Sand creek in reference to that affair?

Answer. I did not during the fight; I did after.

Question. What was said in that conversation?

Answer. He told me that he believed that there were from five hundred to six hundred Indians killed, and that it was the biggest fight on record. That was the purport of the conversation that passed between him and myself.

Question. Did you before or after the fight on Sand creek hear Colonel Chivington make any threats against or curse any person or persons?

(John M. Chivington most respectfully objects to the question, for the following reasons: That the evidence of any threats Colonel Chivington has made is irrelevant to the matter in issue, and should not be received by this court. That the orders of this commission are to examine into the official acts of Colonel Chivington, and not inquire into any private quarrels with any person; that the government can be benefited by, and in our opinion desires only facts in regard to certain official acts of Colonel Chivington, and does not require either the pedigree or history of his relations as a private individual with any man or men.

Objection overruled by the commission.)

Answer. I don't know that I did.

Question. Was any property captured from the Indians on Sand creek?

Answer. Yes.

Question. Describe the property and what was done with it.

Answer. I think there were about six hundred ponies and mules captured, principally ponies, and quite a large number of buffalo robes. Some four hundred head of the ponies were sent into Fort Lyon in charge of an officer who was in charge of a Mexican company belonging to the third regiment; his name was Marina Autobeca, a lieutenant. The balance was brought in here by the command.

Question. Were any prisoners taken at Sand creek by Colonel Chivington's command?

Answer. Yes.

Question. How many and what was done with them?

Answer. There was one man, (half-breed, said to be a son of John Smith,) two squaws, and two or three children; that was all I saw. The man was killed in a lodge there at Sand creek while a prisoner; two squaws and two of the children were brought into Fort Lyon by company G, first Colorado cavalry.

Question. State how the man was killed.

Answer. He was shot.

Question. Was he under guard at the time he was shot?

Answer. I could not say whether there was a guard posted there or not.

Question. Was he shot by order of any person?

Answer. Not to my knowledge.

Question. Was any attempt made to ascertain who shot him?

Answer. I think not; none, however, to my knowledge.

Question. What did the Indians do when Colonel Chivington's command opened fire on them?

Answer. They fled to the creek; retreated fighting.

Question. Did any of them advance towards Colonel Chivington's command?

Answer. I think there did after the fight commenced. I know some of them came towards me several times.

Question. Were the women and children killed while attempting to escape?

Answer. Yes.

Question. At what time was the scalping and mutilating done?

Answer. I think it was done all through the fight, and after; I think it commenced very soon after the fight commenced.

Question. Who took part in the scalping and mutilating of the dead?

Answer. I don't know as I could tell you who it was. It was very near a general thing.

Question. Did any of the officers encourage scalping by act or word?

(John M. Chivington objects to the question for the following reasons: That the witness has stated that he did not know that he could tell who took part in it. That the question is leading, and directs the witness what to say, and can be answered by a negative or an affirmative, and that it is illegal and irregular to put questions of this kind, particularly when the party asking the questions has introduced the witness.)

Objection sustained by the commission.)

Question. Were the parties who did the scalping and mutilating of the dead soldiers?

Answer. Yes, I think so. There were but few there who were not soldiers.

Commission adjourned until 9 a. m. to-morrow, March 28, 1865.

THIRTY-FOURTH DAY.

MARCH 28, 1865.

session met pursuant to adjournment. Present, all members and relations of yesterday read and approved.

examination of Lieutenant James D. Cannon by the commission con-

on. Did any person, or persons, have any conversation with you after on Sand creek, in reference to the scalping and mutilating of the In-

on. Yes.

on. What was that conversation?

on. I had some men to tell me that they had scalped, some one, some some three and four Indians.

on. State particularly what they said.

on. I heard one man say that he had cut a squaw's heart out, and he ck up on a stick.

on. State who the man was and what command he belonged to.

on. The man was a soldier; I do not know his name. I could not say he was a first or third regiment man, but was with the command of Chivington.

on. What was the understanding or partial treaty you refer to, as be- Indians of Black Kettle's band and the officers at Fort Lyon?

M. Chivington most respectfully objects to the question, for the follow- as: That it has not been shown that any treaty could be made by the f Fort Lyon, but that they had no authority to make such partial d that the witness has stated what he knew in regard to the transac- 'ort Lyon, and that no knowledge has been brought to the court that ss knew of any understanding with the officers at Fort Lyon and the or, that any such understanding existed, which it is necessary to prove : witness can be asked what the understanding was.

on overruled by the commission.)

on. It was to the effect that the Indians came in here and were ordered down below the commissary. They said they wished to become and make a treaty with the whites. In council with the Indians Major told them that he had no power to make a treaty, but if they would p the government stock which they had, and their arms, they could the vicinity of the post and have protection until he could hear from on as to what could be done. Immediately afterwards Major Wyn- relieved from command by Major Anthony. There was a council d Major Anthony adopted the same policy in regard to the Indians as ynkoop had. Shortly after the Indians came and asked permission of athony to give them their arms and remove their camp over in the f the Buffalo range. Their request was granted by Major Anthony, arms given up to them.

examination of First Lieutenant James D. Cannon, by the commis- ed.

examination of First Lieutenant James D. Cannon, by J. M. Chivington:

on. How far was Colonel Chivington from you when he made the ferred to by you, before going into battle? What command was you did you yourself hear the speech of Chivington, or was it told to you other person?

x. Doc. 26—8

Answer. Not far; about fifty feet. I was with the Fort Lyon battalion. I heard it myself.

Question. Who gave the order to charge, and to whom was it given?

Answer. Colonel Chivington gave the order to Major Anthony.

Question. How long did you remain after the fight, and did you not accompany Major Anthony's command back to the train?

Answer. I remained there until Colonel Chivington's command came back. I did not accompany Major Anthony's command back to the train.

Question. How long was one portion of Colonel Chivington's command under fire of another portion, and what portion in number was so under fire of another portion?

Answer. I could not state how long; at different times during the fight. Companies were firing a cross-fire opposite each other.

Question. What part of the field did this occur? Please describe particularly.

Answer. It occurred when the Indians were retreating up Sand creek, the command pursuing them on each side. It was at a bend about a mile and a half above the village.

Question. What reason have you for thinking that Indians escaped after the fight? Please state particularly.

Answer. I saw Indians on the hills. I judge also from the number I was led to believe were there, and the number killed.

Question. Is this all the reason you have for believing Indians escaped? Please state particularly.

Answer. Yes.

Question. Did you see the commanding officer during the fight?

Answer. I did not.

Question. How soon after the fight, and where did you see the commanding officer?

Answer. I saw him immediately after the fight was over; some three or four miles above the village, on the northeast side of the creek.

Question. Did you have any conversation with the commanding officer at the time you saw him after the fight?

Answer. No, not particularly; though I heard a conversation between him and others.

Question. What was that conversation in regard to?

Answer. In regard to the success of the fight.

Question. Was anything else referred to in that conversation?

Answer. Not that I know of.

Question. You state that Indians were scalped, &c. Did you see any persons scalping them?

Answer. I did.

Commission adjourned until 1½ o'clock p. m.

One and a half p. m.—Commission met pursuant to adjournment. Present, Captain E. A. Jacobs, veteran battalion first Colorado cavalry; Captain G. H. Stilwell, veteran battalion first Colorado cavalry, recorder. Absent, Lieutenant Colonel S. F. Tappan, veteran battalion first Colorado cavalry.

Commission adjourned at 3 o'clock, to meet again at 9 a. m. to-morrow.
March 29, 1865.

THIRTY-FIFTH DAY

MARCH 29, 1865.

Commission met pursuant to adjournment. Present, all members and recorder.

Proceedings of yesterday read and approved.

Cross-examination of First Lieutenant James D. Cannon by J. M. Chivington.
continued.

names of the other officers.

er. I think I had some conversation with Colonel Tappan ; also with
unt Marvin and Major Wynkoop.

ion. Were you interrogated by any of these officers particularly in re-
what you know of the Sand Creek fight ?

er. No.

ion. Did you state particularly what you knew of the Sand Creek fight
of the Fort Lyon officers ?

er. I have made statements respecting the Sand Creek fight to
all the officers who were not present at the fight. I gave detailed ac-
but could not say that I made particular statements, it being a general
conversation.

examination of First Lieutenant James D. Cannon by J. M. Chivington

mination of First Lieutenant James D. Cannon by the commission :

tion. You refer to a conversation between Colonel Chivington and others
e fight, in regard to the success of the fight ; what was that conversation ?
a M. Chivington most respectfully objects to the question for the follow-
ions : That in the cross-examination the witness stated that he had
all he knew in regard to the conversation, &c.; that upon a re-exami-
it is not proper that the prosecution inquire into statements about which
ness has said he has stated all he knew. That prosecution can only
ine their own witnesses upon new matter brought out by the defence
s-examination.

ction overruled by the commission.)

ver. That the fight was the most successful thing on record; that we had
d a glorious victory ; that is the purport of the conversation.

mination of First Lieutenant James D. Cannon closed.

mission adjourned until 1½ this p. m.

and a half p. m.—Commission met pursuant to adjournment. Present,
abers and recorder.

J. M. COMBS called in by the commission to give evidence. The oath

Answer. The third night after leaving here I met the command of Colonel Chivington in camp at Spring Bottom. I had some conversation there soon after I got in. I had been in the station but a few minutes, and of course expressed some little astonishment at meeting that command; some one remarked to Colonel Chivington that here was a man just up from Fort Lyon. Colonel Chivington then commenced to ask me some questions. At first said he: "They don't expect me down there, do they?" I told him no, that I did not think that anybody from there to the post, or at the post, knew of his coming. He says, "No, sir; nor they won't know it till they see me there." After that I think that Major Downing and Colonel Chivington asked me about the Indians, &c., and who was in command of the fort. I told them that at that time Major Anthony was in command, or was at the time I left. He (Chivington) wanted to know who was in command before Major Anthony. I told him that Major Wynkoop commanded before Major Anthony was sent here. He says, "Oh! you must be mistaken; I think that Left Hand was in command before Major Anthony came here." From that I supposed he was talking more for sport than anything else, and made my answers very short after that. Then I think Major Downing asked me the question, why Major Wynkoop was not in command there. I told him that I heard he was ordered to Fort Larned, and started the same morning that I left Lyon. I think then Major Downing asked me what his business was, and what he was going to Larned for. I told him that I knew nothing about it, that I was not posted in military matters, and was not supposed to know anything about it. Colonel Chivington then straightened himself back in the chair, and laughingly said, "I know what he has gone there for; it is to take command of that post," which led me to believe that it was not so. He then said that he (Wynkoop) is a nice commander, and an honor to the Colorado first. Said he: "How do the Indians like Major Anthony down there?" I told him not very well, giving him hard names, calling him the red-eyed chief, and other names. He wanted to know if Major Anthony fed them as well as Major Wynkoop did. I told him I did not know how well either of them had fed them; that I saw them get stores from both. He wanted to know then how far the Indians were from there. I told him that up to the time I left, there was a large party encamped within a mile and a half from there, but that the most of them had got permission from the commanding officer of the post, and had started out on a buffalo hunt, and a part of them were here yet. He wanted to know if they had been allowed around the post much. I told him that they generally went where they chose—one place and another. He wanted to know if they had been troublesome—much stealing and bothering the people here and about here. I told him that they were here about every day, begging and troubling us in that way. He says: "Have they been in as much since Major Anthony has been in command." I told him that some days he would allow them in, and some days he would not. He wanted to know if the officers, soldiers, or citizens visited their camp often. I told him that I was quite sure that more or less of all, from each class, had been there every day. I told him that I had been there several times, and always met some of them there, officers, soldiers, or citizens. He asked me about how many lodges they had, and about how many warriors. I told him that I thought there was at least about two hundred warriors there at one time. He then asked me the question, how I knew, &c. I told him that I had seen them at that time mounted, with their bows, arrows, and spears, as they were coming in from the bluffs, where they had been, as they supposed, to meet a party of Utes. Then they were all armed. They were in line of battle as they were coming in. I suppose that is what you call it; they were in a long line, about two deep, as they were coming in. He, Colonel Chivington, or some one else asked me if there were any white men there except me. I told him there were some soldiers and officers mounted; also some citizens were there besides myself. Colonel Chivington asked me if I knew what

they were all there for, mounted. I told him that I did not know; that I did not know what was up until I got there, and that I did not know whether the others knew or not. He wanted to know if they appeared perfectly friendly to the party present. I told him they were very friendly. He then inquired about the Utes; if the Utes were down here. I told him that it was a false alarm, and after that nearly all the officers, soldiers, and some citizens started and came up to the post. He asked me then about feeding them—if they got regular rations here. I told him I thought not, as they were all the time trading for provisions of every kind that they could get. He asked me several questions—nothing regular. I was sitting there, and sometimes he would ask me a question. I can remember a good many questions he asked me about Wynkoop going to Larned, the Indians, &c.

There was a promiscuous conversation about scalps, where they were going to arrange them, &c. He (Chivington) spoke up and said that "scalps are what we are after." I told him that I thought he could get, any way, some four hundred or five hundred of them within one day's march of Fort Lyon; that I thought there was about that number, warriors, squaws, and pap-pooes, in all, and told him that I thought he ought to do it with that party; that there had been no time, for some time past, when they could not have been taken with fifty men; that they had given up their arms to Major Anthony, and were unarmed now. I told him too that they had given up horses and mules, and all government property taken, and told him that they were considered prisoners of war, and that he (Anthony) had allowed them to go on a buffalo hunt for thirty or forty miles. He asked me if they had all gone. I told him no, that part of them were here. Then he wanted to know why they had not all gone. I told him that Left Hand was very sick, and most of his party was here with him. He asked me the direction they had gone. I told him I did not know; that the distance I heard them say, but not the direction. He made the remark that he would give them a lively buffalo hunt. I was there but about half an hour after that. Very little was said to me, as I was eating my supper.

While I was sitting there one remark was made, I think to Major Downing. Colonel Sharp, Mr. Gill, and several officers were present. He (Chivington) drew himself up in his chair, and made this remark: "Well, I long to be wading in gore." I left the room about that time. I think I was about going out when he made the remark.

Question. Was anything further than what you have already stated said by yourself and Colonel Chivington in reference to the Indians being under the protection of the military at Fort Lyon?

Answer. I don't think anything more than what I have said.

Question. Did you have any further conversation with Colonel Chivington?

Answer. Not after that time.

Question. Did anything unusual happen on your way back and after your return to Fort Lyon?

Answer. Nothing unusual on my way back. After I got back there were reports coming in relating to the Indian fight, and men and officers going to and from the battle-ground, for the first few days after I came back, and then the command came in.

Question. Was the conversation with Colonel Chivington at Spring Bottom, to which you have referred, the last you had with him in reference to Indians?

Answer. Yes, at Spring Bottom station.

Direct examination of James M. Combs by the commission closed.

Cross-examination of James M. Combs by J. M. Chivington:

Question. Give the names of the persons present when you had the conversation with Colonel Chivington in reference to Indians at Spring Bottom, and the name of the person or persons with you.

Answer. Colonel Chivington, (the parties I shall name were with him, but do not know whether they were there all the time or not, but were most of the time,) Major Downing, Colonel Sharp, and at the last part Captain Maynard and Mr. Gill were there in the room, and some officers of the third, whose names I don't know. Two or three were present. Lieutenant Graham was in and out a good deal while I was there, also a man by the name of Robert Wright. The room was full, but I don't know their names. There was a man by the name of Brown travelling with me. He was there through but little of the conversation.

Question. How long did this conversation last, and did you leave the room at any time during the conversation?

Answer. From the time I went in till the time I came out, it lasted altogether about one hour and a half. I don't remember of going out at that time at all; if I did, it was but for a few minutes, but I do not think I went out during that conversation.

Question. Were not the remarks of hatred uttered by Chivington in reply to what you told him in regard to Indians? Thus, for instance, did you not yourself tell Colonel Chivington that the Indians appeared to be running the post, and that the commanding officer was afraid of the Indians?

Answer. No; I never said anything of that kind.

Question. Did you not say that Major Wynkoop and Captain Soule took the larger part of the command at Fort Lyon out to assist the Arapahoe and Cheyenne Indians, or Indians that were camped near the post, and that you entertained a great deal of fear, on the return of Major Wynkoop and command, from the conduct of the Indians, that the Indians would attack Wynkoop's command?

Answer. I told Colonel Chivington and party that, while I was there at the Indian camp, near this post, a party of soldiers, probably twenty—there might be twenty-five men, and Major Wynkoop and Captain Soule, came across the river on horseback, and I inquired of some of the soldiers that were about me what they were there for, (I saw the Indians striking out across the bluffs, armed,) and was told that the chiefs had been to the post and claimed protection; that the Utes were after them in a large body, and, as the Indians were friends, the officers and soldiers here had to protect them. That I saw nothing but what was perfectly friendly; they were all talking together, chiefs and officers. The Indians dismounted, and most of them remained there, and a few Indians and chiefs came to the post. I saw no reason for fear at all.

Question. Did you state, at any time, that Major Wynkoop and Captain Soule went out with a command to assist the Indians encamped near Fort Lyon to fight the Utes?

Answer. No; I have stated just as I said before.

Question. Did you not state to Colonel Chivington that Major Wynkoop, or Captain Soule, ought to be dismissed from the service for their conduct toward the Indians?

(Objection to the question by Lieutenant Colonel S. F. Tappan, president of the commission.

Objection sustained by the commission.)

Commission adjourned until 9 a. m. to-morrow, March 30, 1865.

THIRTY-SIXTH DAY.

MARCH 30, 1865.

Commission met pursuant to adjournment. Present, all members and recorder.

Proceedings of yesterday read, amended as follows, and approved: On page 449, insert after second line, "he was out most of the time attending to the horses;" on page 450, fifteenth line, to first answer, omit the words "friends," and insert the word "prisoners."

he reports of Major Wynkoop, marked F, G, and H, referred to on page 348, were appended, and are as follows :

F.

he following is a report of Major Wynkoop to his excellency John Evans, Governor of Colorado Territory, dated September 18, 1864 :

FORT LYON, C. T., *September 18, 1864.*

SIR: I have the honor to report that on the 3d instant three Cheyenne Indians were met a few miles outside of this post by some of my men, en route for Fort Collins, and were brought in. They came, as they stated, bearing with them propositions for peace from Black Kettle and other chiefs of the Cheyenne and Arapahoe nations. Their propositions were to this effect: that they, the Cheyenne and Arapahoes, had in their possession seven white prisoners whom they wished to deliver up in case that we should come to terms of peace with them. They told me that the Arapahoes, Cheyennes, and Sioux were congregated for mutual protection at what is called the Bunch of Timbers, on the headwaters of Rocky Hill, at a distance of one hundred and forty miles northeast of this post, numbering altogether about three thousand warriors, and were anxious and desirous to make peace with the whites.

Feeling extremely anxious at all odds to effect the release of these white prisoners, and my command but just having been re-enforced by General Carlton, commanding department of New Mexico, by a detachment of infantry sent from New Mexico to my assistance, I found that I would be enabled to have sufficient garrison for this post by taking one hundred and thirty men with me, (including one section of the battery,) and concluded to march to this Indian rendezvous for the purpose of procuring the white prisoners aforementioned, and to be governed by circumstances as to what manner I should proceed to accomplish the same object.

Taking with me under strict guard the Indians I had in my possession, I reached my destination, and was confronted by from six to eight hundred Indian warriors drawn up in line of battle and prepared to fight.

Putting on as bold a front as I could under the circumstances, I formed my command in as good order as possible for the purpose of acting on the offensive or defensive as might be necessary, and advanced towards them, at the same time sending forward one of the Indians I had with me as an emissary, to inform them that I had come for the purpose of holding a consultation with the chiefs of the Arapahoes and Cheyennes to come to an understanding which might result in mutual benefit; that I had not come desiring strife, but was prepared for it if necessary, and advised them to listen to what I had to say previous to making any more warlike demonstrations.

They consented to meet me in council, and I then proposed to them that if they desired peace to give me palpable evidence of their sincerity by delivering into my hands their white prisoners. I told them that I was not authorized to conclude terms of peace with them, but if they acceded to my proposition I would take what chiefs they might choose to select to the governor of Colorado Territory, state the circumstances to him, and that I believed it would result in what it was their desire to accomplish, "peace with their white brothers." I made reference particularly to the Arapahoe and Cheyenne tribes.

The council was divided, undecided, and could not come to an understanding among themselves. Finding this to be the case, I told them that I would return to a certain locality, distant twelve miles, and await a given time for their decision in the matter. I took a strong position in the locality named and remained there three days. In the interval they brought in and turned over four white prisoners, all that was possible for them at the time being to turn over, the balance of the seven being, as they stated, with another band far to the northward.

The released captives that I have now with me at this post consist of one female named Laura Roper, aged sixteen, and three children, two boys and one girl, named Isabella Ubanks, Ambrose Usher, and Daniel Marble; the three first named being taken on Blue river, in the neighborhood of what is known as Liberty farm, and the last captured at some place on the South Platte with a train; all the men belonging thereto were murdered.

I have the principal chiefs of the two tribes with me, and propose starting immediately to Denver to put into effect the aforementioned proposition made by me to them.

They agree to deliver up the balance of the prisoners as soon as it is possible to procure them, which can be done better from Denver city than from this point.

I have the honor, governor, to be your obedient servant,

E. W. WYNKOOP,

Major First Cavalry of Colorado Com'g Fort Lyon., C. T.

His Excellency JOHN EVANS,

Governor of Colorado, Denver, C. T.

A true copy from the published report of the Commissioner of Indian Affairs, 1864.

CHARLES WHEELER,

First Lt. Vet. Bat. First Col. Cav., Post Adj't Fort Lyon, C. T.

G.

FORT LYON, COLORADO TERRITORY.

October 8, 1864.

SIR: I have the honor to forward, for the consideration of the major general commanding, the following statement in regard to my course with respect to the Arapahoe and Cheyenne tribes of Indians, and respectfully ask for instructions as to what I may do in the future.

On the third day of September last, three Cheyenne Indians were captured who were approaching this post. They came, as they stated, bearing with them a proposition for peace from Black Kettle and other chiefs of the Arapahoe and Cheyenne nations; their proposition was to the effect that they, the Cheyennes and Arapahoes, had in their possession seven white prisoners, whom they offered to deliver up in case that we should come to terms of peace with them; they said the Arapahoes and Cheyenes were congregated together for mutual protection, numbering over two thousand, on the headwaters of the Smoky Hill river, at what is called "Bunch of Timbers," a distance of one hundred and forty miles from this post, and were anxious to make peace with the whites.

Desiring at all odds to effect the release of these white prisoners, and my command having just been re-enforced by a detachment of New Mexican troops sent me by General Carleton, I found that I could leave sufficient garrison for the post, and take with me one hundred and thirty men, and concluded to march to this Indian rendezvous for the purpose of procuring these white prisoners aforementioned, and to be governed by circumstances as to in what manner I should proceed to accomplish the same object.

Taking with me the three Indians I had in my possession, I reached my destination, and was confronted by from six to eight hundred Indian warriors drawn up in line of battle and prepared to fight. Putting on as bold a front as possible under the circumstances, I formed my little command in as good order as possible for the purpose of acting in the offensive or defensive, as might be necessary,

need towards them, at the same time sending forward one of the Indians to me as an emissary, to state that I had come for the purpose of holding consultation with the chiefs of the Arapahoe and Cheyenne nations, to come to an understanding which might result in mutual *benefit*; that I did not come desiring strife, but was prepared for it if necessary, and advised them to listen to what I had to say previous to their making any more warlike actions. They consented to meet me in council, and I then told them that they desired peace to give me some palpable evidence of their sincerity, by giving into my hands their white prisoners. I said I was not authorized to make terms of peace with them, but that, if they accepted my proposition, I would take the chiefs they might choose to select to the governor of Colorado Territory, state the circumstances to him, and that I believed it would result in what was their object to accomplish.

The council were divided, and could not come to an understanding among themselves. Finding this to be the case, I told them I would march to a certain distant place twelve miles, and await a given time for their action in the matter. I took a strong position in the locality named, and remained there three days; in the mean time they brought and turned over into my possession four white prisoners, as far as possible at the time for them to procure, the balance of the seven, remaining, being with another band far to the northward.

Three of the principal chiefs of the Cheyenne, and four of the Arapahoe, proceeded to Denver city to see the governor of Colorado Territory; they supposed, sufficient proofs to show that these Indians had respected their rights until they were provoked and driven to commit these outrages. As far as the Arapahoe tribe are concerned, I know of my own personal knowledge that this is the case; they have never desired war, and are now anxious for peace. The governor of Colorado refused to have anything to do with the matter, and referred them to the military authorities, and particularly to myself, as having direct command over the country through which they ranged. They were perfectly willing to place themselves under my control, for me to dispose of them as I thought proper, when I was shown a telegram from the major general commanding the department, to the effect that no peace should be made with these Indians. It is owing to the fact that the general commanding was not acquainted with all the circumstances connected with the affair, is why I have entered into this lengthy detail, and I would ask for particular instructions in regard to my future course.

The general commanding will please notice that there are still three white prisoners in the hands of these savages, whom they have promised to give up to me, and whom I am expecting every day, and whom, I presume, they would know that they could not procure peace, they would instantly

and that if some terms are made with these Indians, I can arrange to do so, by bringing their villages under my direct control, that I can answer for the fidelity. We are at war with the Sioux, and the Kiowas, and Comanche Indians, the Arapahoes and Cheyennes, tell me they are willing to give me their assistance in fighting the Kiowas and Comanches. It is the desire of the settlers of this part of the country for peace. I enclose herewith a communication received from the settlers to prove that such is the case. If I may be pardoned for the suggestion, I deem it the best policy to present, in consequence of the necessity of the services of our troops, and in consequence of having had considerable experience in this matter. I know that in a general Indian war it will take more soldiers than we can possibly spare to keep open the two lines of communication, protect the settlements, and make an effective war upon them.

Regarding these matters to be of the utmost importance, and despatch required, before the major general commanding, I have taken the liberty to send an officer to carry this communication, and return with instructions.

as soon as possible. Hoping that I have not been too bold in the responsibility I have assumed, which may lay me liable to the censure of the commanding general,

I have the honor to remain your obedient servant,

E. W. WYNKOOP,

Major First Cavalry of Colorado, Com'g Fort Lyon, C.

A true copy :

CHARLES WHEELER,

First Lieut. and Regimental Adjutant Veteran Battalion First Colorado Cavalry, Post Adjutant Fort Lyon, Colorado Territory.

The above is a report of Major E. W. Wynkoop, commanding Fort Lyon, the commander of department of Kansas.



H.

FORT LYON, COLORADO TERRITORY,

January 15, 1865

SIR: In pursuance of Special Order No. 43, headquarters district of U. S. Arkansas, directing me to assume command of Fort Lyon, as well as to investigate and immediately report in regard to late Indian proceedings in this vicinity. I have the honor to state that I arrived at this post on the evening of the 14th of January, 1865, assumed command on the morning of the 15th, and the result of my investigation is as follows, viz :

As explanatory, I beg respectfully to state that, while formerly in command of this post, on the 4th day of September, 1864, and after certain hostilities on the part of the Cheyenne and Arapahoe Indians, induced, as I have had abundant proof, by the overt acts of white men, three Indians (Cheyennes) were brought as prisoners to myself, who had been found coming towards the post, and had in their possession a letter, written, as I ascertained afterwards, by a mixed breed in the Cheyenne camp, as coming from Black Kettle and other prominent chiefs of the Cheyenne and Arapahoe nation; the purport of which was that they desired peace, had never desired to be at war with the whites, &c., as well as stating that they had in their possession some white prisoners, women and children, whom they were willing to deliver up, provided that peace was granted them. Knowing that it was not in my power to insure and offer them the protection for which they sued, but at the same time anxious, if possible, to accomplish the rescue of the white prisoners in their possession, I finally concluded to risk an expedition with the small command I could raise, numbering one hundred and twenty-seven men, to the rendezvous, where I was informed they were congregated to the number of two thousand, and endeavor by some means to protect the aforesaid white prisoners, and to be governed in my course in accomplishing the same entirely by circumstances. Having formerly made lengthy reports in regard to the details of my expedition, I have but to say that I succeeded, procured four white captives from the hands of these Indians, simply giving them in return a pledge that I would endeavor to procure for them the peace which they so anxiously sued, feeling that under the proclamation issued by John Evans, governor of Colorado and superintendent of Indian affairs, a portion of which becomes a portion of this report, even if not by virtue of my position as a United States officer highest in authority in the country included within the bounds prescribed as the country of the Arapahoe and Cheyenne nations, I could offer them protection until such time as some measures might be taken by those higher in authority than myself in regard to them. I took with me seven of the principal chiefs, including Black Kettle, to Denver City, for the purpose of allowing them an interview with the governor of Colorado—by means making a mistake, of which I have since become painfully aware, in

proceeding with these chiefs to the governor of Colorado Territory instead of to the headquarters of my district to my commanding officer. In the consultation with Governor Evans the matter was referred entirely to the military authorities. Colonel J. M. Chivington, at that time commander of the district of Colorado, was present at the council held with these Indian chiefs, and told them that the whole matter was referred to myself, who would act towards them according to the best of my judgment until such time as I could receive instructions from the proper authorities. Returning to Fort Lyon I allowed the Indians to bring their villages to the vicinity of the post, including their squaws and papposes, and in such a position that I could at any moment, with the garrison I had, have annihilated them, had they given any evidence of hostility of any kind in any quarter. I then immediately despatched my adjutant, Lieutenant W. W. Denison, with a full statement to the commanding general of the department, asking for instructions; but in the meanwhile, various false rumors having reached district headquarters in regard to my course, I was relieved from the command of Fort Lyon and ordered to report at district headquarters. Major Scott J. Anthony, first cavalry of Colorado, who had been ordered to assume command of Fort Lyon previous to my departure, held a consultation with the chiefs in my presence, and told them that, though acting under strict orders, under the circumstances, he could not materially differ from the course which I had adopted, and allowed them to remain in the vicinity of the post with their families, assuring them of perfect safety until such time as positive orders should be received from headquarters in regard to them. I left the post on the 26th of November for the purpose of reporting to district headquarters. On the second day after leaving Fort Lyon, while on the plains, I was approached by three Indians, one of whom stated to me that he had been sent by Black Kettle to warn me that about two hundred Sioux warriors had proceeded down the road between where I was and Fort Larned, to make war, and desired that I should be careful—another evidence of these Indians' good faith. All of this statement proved afterwards to be correct. Having an escort of twenty-eight men I proceeded on my way, but did not happen to fall in with them.

From evidence of officers at this post, I understand that, on the 28th day of November, 1864, Colonel J. M. Chivington, with the third regiment of Colorado cavalry, (one hundred days' men,) and a battalion of the first Colorado cavalry, arrived at Fort Lyon, ordered a portion of the garrison to join him under the command of Major Scott J. Anthony, and, against the remonstrance of the officers of the post, who stated to him the circumstances, of which he was well aware, attacked the camp of friendly Indians, the major portion of which were composed of women and children. The affidavits which become a portion of his report, will show more particulars of that massacre. Every one whom I have spoken to, either officer or soldier, agrees in the relation that the most fearful atrocities were committed that ever were heard of; women and children were killed and scalped; children shot at their mothers' breast, and all the bodies mutilated in the most horrible manner. Numerous eye-witnesses have described scenes to me, coming under the eye of Colonel Chivington, of the most disgusting and horrible character; the dead bodies of females profaned in such a manner that the recital is sickening; Colonel J. M. Chivington all the time inciting his troops to these diabolical outrages. Previous to the slaughter commencing, he addressed his command, arousing in them by his language all their worst passions, urging them on to the work of committing all these diabolical outrages. Knowing himself all the circumstances of these Indians resting on the assurances of protection from the government given them by myself and Major S. J. Anthony, he kept his command in entire ignorance of the same, and when it was suggested that such might be the case, he denied it positively, stating that they were still continuing their depredations, and lay there threatening the fort.

I beg leave to draw the attention of the colonel commanding to the fact established by the enclosed affidavits, that two-thirds or more of that Indian village were women and children, and he is aware whether or not the Indians go to war taking with them their women and children. I desire, also, to state that Colonel J. M. Chivington is not my superior officer, but is a citizen mustered out of the United States service; and, also, at the time this inhuman monster committed this unprecedented atrocity, he was a citizen by reason of his term of service having expired, he having lost his regulation command some months previous.

Colonel Chivington reports, officially, that between five and six hundred Indians were left dead upon the field. I have been informed by Captain Booth, district inspector, that he visited the field, and counted but sixty-nine bodies, and by others who were present, but that few, if any, over that number were killed, and that two-thirds of them were women and children. I beg leave to further state, for the information of the colonel commanding, that I have talked to every officer in Fort Lyon, and many enlisted men, and that they unanimously agree that all the statements I have made in this report are true.

In conclusion, allow me to say that from the time I held the consultation with the Indian chiefs on the headwaters of the Smoky Hill, up to the date of the massacre by Colonel Chivington, not one single depredation had been committed by the Cheyenne and Arapahoe Indians; the settlers of the Arkansas valley had returned to their ranches, from which they had fled, had taken in their crops, and had been resting in perfect security, under assurances from myself that they would be in no danger for the present—by that means saving the country from what must inevitably become almost a famine were they to lose their crops. The lines of communication to the State were opened, and travel across the plains rendered perfectly safe through the Cheyenne and Arapahoe country. Since this last horrible murder by Chivington the country presents a scene of desolation; all communication is cut off with the States, except by sending bodies of troops, and already over one hundred whites have fallen as victims to the fearful vengeance of these betrayed Indians. All this country is ruined; there can be no such thing as peace in the future but by the total annihilation of all the Indians on the plains. I have the most reliable information to the effect that the Cheyennes and Arapahoes have allied themselves with the Kiowas, Comanches, and Sioux, and are congregated to the number of five or six thousand on the Smoky Hill.

Let me also draw the attention of the colonel commanding to the fact stated by affidavit, that John Smith, United States interpreter, a soldier, and a citizen, were present in the Indian camp by permission of the commanding officer of this post, another evidence to the fact of these same Indians being regarded as friendly; also, that Colonel Chivington states, in his official report, that he fought from 900 to 1,000 Indians, and left from five to six hundred dead upon the field, the sworn evidence being that there were but 500 souls in the village, two-thirds of them being women and children, and that there were but from sixty to seventy killed, the major portion of which were women and children.

It will take many more troops to give security to the travellers and settlers in this country, and to make any kind of successful warfare against the Indians. I am at work placing Fort Lyon in a state of defence, having all, both citizens and soldiers, located here employed upon the works, and expect to have them soon completed, and of such a nature that a comparatively small garrison can hold the fort against any attack by Indians.

Hoping that my report may receive the particular attention of the colonel commanding, I respectfully submit the same.

Your obedient servant,

E. W. WYNKOOP,

Major Commanding First Veteran Cavalry and Fort Lyon.

Lieutenant J. E. TAPPAN,

Acting Assistant Adjutant General, District Upper Arkansas.

he above is a report to Colonel Ford, commanding district Upper Arkansas, d January 15, 1865.

true copy :

CHARLES WHEELER,
*First Lieut. and Regimental Adj't Vet. Battalion First Colorado
Cav., Post Adj't, Fort Lyon, Colorado Territory.*

FORT LYON, COLORADO TERRITORY,
January 15, 1864.

ersonally appeared before me John Smith, United States Indian interpreter, , after being duly sworn, says :

hat on the fourth day of September, 1864, he was appointed Indian inter-
er for the post of Fort Lyon, and has continued to serve in that capacity up
he present date ; that on the fourth day of September, 1864, by order of
or E. W. Wynkoop, commanding post of Fort Lyon, he was called upon to
l a conversation with three Cheyenne Indians, viz., One-Eye and two
rs, who had been brought into the post that day ; that the result of the in-
iew was as follows : One-Eye (Cheyenne) stated that the principal chiefs
sub-chiefs of the Cheyenne and Arapahoe nations had held a consultation,
agreed to a man, of the chief and sub-chiefs, to come, or send in some one
o was well acquainted with parties at this post, and finally agreed to send in
self, (One-Eye,) with a paper written by George Bent, (half-breed,) to the
et that the Cheyenne and Arapahoe chiefs had, and did, agree to turn
r to Major Wynkoop, or any other military authority, all the white prisoners
y had in their possession, as they were all anxious to make peace with the
ites, and never desired to be at war. Major Wynkoop then asked One-Eye,
having lived among the whites, and known to have always been friendly
posed towards them, whether he thought the Indians were sincere, and
ether they would deliver the white prisoners into his (Major Wynkoop's)
nds. His reply was, that at the risk of his life he would guarantee their sin-
city. Major Wynkoop then told him he would retain him as a prisoner for
e time, and if he concluded to proceed to the Indian camp, he would take him
a hostage for their (the Indians') good faith.

One-Eye also stated that the Cheyenne and Arapahoe nations were congre-
ed to the number of two thousand on the headwaters of Smoky Hill, including
pe forty lodges of the Sioux ; that they had rendezvoused there and brought
their war parties for the purpose of hearing what would be the result of their
page, by which they had sued for peace, and would remain until they heard
othing definite.

Major Wynkoop told One-Eye that he would proceed to the Indian camp
d take him with him.

One-Eye replied he was perfectly willing to be detained a prisoner as well as
ain as hostage for the good faith of the Indians, but desired the major to
rt as soon as possible, for fear that the Indians might separate. On the sixth
f of September I was ordered to proceed with Major Wynkoop and his com-
ad in the direction of the Indian encampment. After a four days' march we
de in sight of the Indians, and one of the three Indians aforementioned was
t to acquaint the chiefs with what was the object of the expedition, with a
ement that Major Wynkoop desired to hold a consultation with them, the
efs. On the 10th day of September, 1864, the consultation was held between
or Wynkoop and his officers and the principal chiefs of the Cheyenne and
apahoe nations. Major E. W. Wynkoop stated, through me, to the chiefs
t he had received their message ; that, acting on that, he had come to talk
b them ; asked them whether they all agreed to and indorsed the contents

of the letter which he had in his possession, and which had been brought in by One-Eye, receiving an answer in the affirmative. He then told the chiefs that he had not the authority to conclude terms of peace with them, but that he desired to make a proposition to them, to the effect that if they would give him an evidence of their good faith, by delivering into his hands the white prisoners they had in their possession, he would endeavor to procure for them peace, which would be subject to conditions; that he would take with him what principal chiefs they might select, and conduct them in safety to the governor of Colorado, and, whatever might be the result of their interview with him, return them in safety to their tribe.

Black Kettle, the head chief of the Cheyenne nation, replied as follows: That the Cheyenne and Arapahoe nations had always endeavored to observe the terms of their treaty with the United States government; that some years previous, when the white emigration first commenced coming to what is now the Territory of Colorado, the country which was in the possession of the Cheyenne and Arapahoe nation, they could have successfully made war against them, (the whites.) They did not desire to do so; had invariably treated them with kindness, and never, to his knowledge, committed any depredations whatever; that until within the last few months they had gotten along in perfect peace and harmony with their white brethren; but while a hunting party of their young men were proceeding north in the neighborhood of South Platte river, having found some lost stock belonging to white men, which they were driving towards a ranch to deliver up, they were suddenly confronted by a party of United States soldiers and ordered to deliver up their arms. A difficulty immediately ensued which resulted in killing and wounding several on both sides. A short time after this occurrence took place, a village of squaws, papooses and old men, located at what is known as "Cedar Cañon," a short distance north of the South Platte, who were perfectly unaware of any difficulty having occurred between any portion of their tribe (Cheyenne) and the whites, were attacked by a large party of soldiers and some of them killed and their ponies driven off. After this, while a body of United States troops were proceeding from Smoky Hill to Arkansas river, they reached the neighborhood of Law Bear's band of the Cheyenne nation. Law Bear, second chief of the Cheyenne nation, approached the column of troops alone, his warriors remaining off some distance, he not dreaming that there was any hostility between his nation and the whites. He was immediately shot down and a fire opened upon his band, the result of which was a fight between the two parties. Presuming from all these circumstances that war was inevitable, the young men of the Cheyenne nation commenced to retaliate, committing various depredations all the time, which he (Black Kettle) and other principal chiefs of the Cheyenne nation were opposed to, and endeavored by all means in his power to restore pacific relations between that tribe and their white brethren; but, at various times when endeavoring to approach the military posts for the purpose of accomplishing the same, he was fired upon and driven off. Meanwhile, their brethren and allies, the Arapahoes, were on perfectly friendly terms with the whites, and Left Hand's band of that nation were camped in close vicinity to Fort Larned. Left Hand, one of the principal chiefs of the Arapahoe nation, learning that it was the intention of the Kiowas, on a certain day, to run off the stock from Fort Larned, proceeded to the commanding officer of that post and informed him of the fact; no attention was given to the information he gave, and on the day indicated the stock was run off by the Kiowa Indians. Left Hand again approached the post with a portion of his warriors for the purpose of offering his services to the commanding officer there, to pursue and endeavor to regain the stock from the Kiowa Indians, when he was fired upon and obliged hastily to leave. The young men of the Arapahoe nation, supposing it was the intention of the whites to make war upon them as well as the Cheyennes, also commenced retaliating, as well as they were able, and against the desire of

: principal chiefs, who, as well as Black Kettle and other chiefs of
es, were bitterly opposed to hostilities with the whites. He then said
lately heard of a proclamation issued by the Governor of Colorado
riendly disposed Indians to come into the different posts, and that
be protected by the government. Under these circumstances,
whites had been the aggressors and had forced this trouble upon
anxious altogether for the welfare of his people, he had made this
communicate again with the military authorities, and he was glad
eded. He then arose, shook hands with Major E. W. Wynkoop and
stating that he was still, as he always had been, a friend to the
that so far as he was concerned he was willing to deliver up the
ers, or do anything that was required of him to procure peace,
o be for the good of his people; but that there were other chiefs who
that they were badly treated by their white brethern, but who were
ike peace, but who felt unwilling to deliver up the white prisoners
the promise of Major Wynkoop that he would endeavor to procure
they desired that the condition of their delivering up the white
ould be an assurance of peace. He also went on to state, that even
ynkoop's proposition was not accepted by the chiefs assembled, and
y had sufficient force to entirely overpower Major Wynkoop's small
at from the fact that he had come in good faith to hold his consulta-
equence of the letter received, he should return to Fort Lyon
g molested.

essions from the other chiefs were to the effect that they insisted
as the condition of their delivering up the white prisoners. Major
ally replied that he repeated what he had said before, that it was
wer to insure them peace, and that all he had to say in closing was
ght think about his propositions; that he would march to a certain
ant twelve miles, and there await the result of their consultation for
lvising them at the same time to accede to his propositions, as the
to procure that peace for which they were anxious. The white
re brought in and delivered over to Major Wynkoop before the time
set by him and Black Kettle and White Antelope and Bull Bear,
anne nation, and as well as Neva, No-ta-ne, Boisee, and Heap Buf-
f the Arapahoes, delivered themselves over to Major Wynkoop.
ceeded to Fort Lyon, and from there to Denver, at which place
rans held a consultation with the chiefs, the result of which was as

iem that he had nothing to do with them; that they would return
Wynkoop, who would reconduct them in safety and they would have
action of the military authorities; Colonel J. M. Chivington, then in
the district of Colorado, also told them that they would remain at the
lajor Wynkoop, until higher authority had acted in their case. The
ared perfectly satisfied, presuming that they would eventually be
soon as the authorities could be heard from, and expressed them-
Black Kettle embraced the governor and Major Wynkoop and shook
all the officers present, perfectly contented, deeming that the matter

On our return to Fort Lyon I was told by Major Wynkoop to
chiefs that they could bring their different bands, including their
he vicinity of the post, until he had heard from the big chief; that
to have them under his eye and away from other quarters where
kely to get into difficulties with the whites. The chiefs replied that
illing to do anything Major Wynkoop might choose to dictate, as
fect confidence in him, and accordingly immediately brought in their
r squaws and papposes, and appeared satisfied that they were in
F.

After these villages were located and Major Wynkoop had sent an officer to headquarters for instructions, he, Major Wynkoop, was relieved from the command of the post by Major Scott J. Anthony, and I was ordered to interpret for Major Anthony in a consultation he desired to hold with these Indians. The conversation that then took place between Major Anthony and the Indians was as follows:

Major Anthony told them that he had been sent there to relieve Major Wynkoop, and that he would be from that time in command of the post; that he came here under orders from the commander of all the troops in this country, and that he had orders to have nothing to do with the Indians whatever; that they had heard at headquarters that they had lately been committing depredations, &c., in the neighborhood of this post, but that since his arrival he had learned that these reports were all false; that he would write to headquarters himself and correct the error in regard to them, and that he would have no objections to their remaining in the vicinity of Sand creek, where they were then located, until such time as word might be received from the commander of the department; that he himself would forward a complete statement of all that he had seen and heard, and that he was in hopes he would have some good news for the Indians upon receiving an answer, but that he was sorry that his orders were such as to render it impossible for him to make them any issues whatever; the Indians then replied that it would be impossible for them to remain any great length of time, as they were short of provisions. Major Anthony told them that they could allow their villages to remain where they were then, and could send their young men out to hunt buffaloes, as he understood that the buffaloes had lately come close in. The Indians appeared to be a little dissatisfied in regard to the change in the commander of the post, fearing that it boded them no good, but having received assurances of safety from Major Anthony, they still had no fears of their families being disturbed.

On the 26th of November, 1864, I received permission from Major Scott J. Anthony, commander of the post, to proceed to the Indian village on Sand creek for the purpose of trading with the Indians, and started, accompanied by a soldier named David Lauderback and a citizen, Watson Clark. I reached the village and commenced to trade with them.

On the morning of the 29th of November, 1864, the village was attacked by Colonel J. M. Chivington with a command of 900 to 1,000 men. The Indian village was composed of about one hundred lodges, numbering altogether some five hundred souls, two-thirds of whom were women and children. From my observation, I do not think there were over sixty Indians that made any defence. I rode over the field after the slaughter was over, and counted from sixty to seventy dead bodies, a large majority of which were women and children, all of which bodies had been mutilated in the most horrible manner.

When the troops first approached I endeavored to join them, and was repeatedly fired upon; also the soldier who was with me, and the citizen. When the troops began approaching in a hostile manner, I saw Black Kettle, head chief, hoist the American flag over his lodge, as well as a white flag, fearing that there might be some mistake as to who they were.

After the fight, Colonel Chivington returned with his command in the direction of Fort Lyon, and then proceeded by the road down the Arkansas river.

JOHN SMITH

Sworn and subscribed to before me, this 15th day of January, 1865.

W. P. MINTON,

Second Lieutenant First New Mexico Volunteers, Post Adjutant.

A true copy:

CHARLES WHEELER,

First Lieut. and Reg'l Adj't Vet. Batt. First Colorado Cavalry,

Post Adjutant, Fort Lyon, C. T.

FORT LYON, COLORADO TERRITORY,
January 16, 1865.

ly appeared before me Captain R. A. Hill, first New Mexico volunteer, who, after being duly sworn, says that, as an officer in the service of the United States, he was on duty at Fort Lyon at the time there was an agreement between the chiefs of the Arapahoe and Cheyenne nations and Wynkoop, with regard to their resting in safety in their villages in the vicinity of Fort Lyon until such a time as orders in regard to them could be received from the commanding general of the department; that after Major Anthony had been relieved from the command at Fort Lyon, the same understanding existed between Major J. Anthony and the aforementioned Indians; that, to the best of his belief, the village of Indians massacred by Colonel J. M. Chivington on the 29th day of November, 1864, were the same friendly Indians referred to.

R. A. HILL.

and subscribed to, this 16th day of January, 1865

W. P. MINTON, *Post Adjutant.*

FORT LYON, COLORADO TERRITORY,
January 16, 1865.

ly appeared before me Lieutenant James D. Cannon, first New Mexico volunteer infantry, who, after being duly sworn, says, that on the 28th of November, 1864, I was ordered by Major Scott J. Anthony to accompany an Indian expedition, as his battalion adjutant; the object of the expedition was to be a thorough campaign against hostile Indians, as I was led to believe. I referred to the fact of there being a friendly camp of Indians in the immediate vicinity, and remonstrated against simply attacking that camp, aware that they were resting there in fancied security, under promises of them of safety by Major E. W. Wynkoop, former commander of the expedition, as by Major Scott J. Anthony, then in command. Our battalion was turned over to the command of Colonel J. M. Chivington, and left Fort Lyon on the 28th of November, 1864. About daybreak, on the morning of the 29th of November, we came in sight of the camp of friendly Indians, and were ordered by Colonel J. M. Chivington to attack the camp, which was accordingly done. The command of Colonel Chivington was composed of about one thousand men. The village of Indians consisted of from fifty to one hundred and thirty lodges, and, as far as I am able to judge, contained about six hundred souls; the majority of them were women and children. On going over the battle-ground the next day, I did not see a body of a man, or child but what was scalped, and, in many instances, their bodies were mutilated in a most horrible manner—men, women, and children's privates cut out. I heard one man say that he had cut a woman's private parts out, and put them for exhibition on a stick. I heard another man say that he had cut the rings off of an Indian, to get the rings on his hand. According to the knowledge and belief, these atrocities that were committed were with the knowledge and approval of Colonel J. M. Chivington, and I do not know of him taking any measures to prevent them. I heard of one instance of a child a few months old being thrown into the feed-box of a wagon, and, after being carried some distance, thrown out on the ground to perish. I also heard of numerous instances in which the private parts of females had been cut out, and stretched over

their saddle-bows, and some of them over their hats. While riding in ranks, all these matters were a subject of general conversation, and could not help being known to Colonel J. M. Chivington.

JAMES D. CANNON.

Sworn and subscribed to, this 16th day of January, 1865.

W. P. MINTON, *Post Adjutant.*

FORT LYON, COLORADO TERRITORY,
January 16, 1865.

Personally appeared before me Second Lieutenant W. P. Minton, first New Mexico volunteer infantry, and Lieutenant C. M. Cossitt, first cavalry of Colorado, who, after being duly sworn, say, that on the 28th day of November, 1864, Colonel J. M. Chivington, with the third regiment of Colorado cavalry (one-hundred-days men) and a battalion of the first Colorado cavalry, arrived at this post, and on the 29th of November attacked a village of friendly Indians in this vicinity, and, according to representations made by others in our presence, murdered their women and children, and committed the most horrible outrages upon the dead bodies of the same; that the aforesaid Indians were recognized as friendly by all parties at this post, under the following circumstances, viz:

That Major E. W. Wynkoop, formerly commander of the post, had given them assurances of safety until such time as he could hear from the commanding general of the department, in consequence of their having sued for peace, and given every evidence of their sincerity by delivering up white prisoners they had in their possession, by congregating their families together, and leaving them at the mercy of the garrison of Fort Lyon, who could have massacred them at any moment they felt disposed; that upon Major Wynkoop being relieved of the command of Fort Lyon, Colorado Territory, and Major Scott J. Anthony assuming command of the same, it was still the understanding between Major Anthony and the Indians that they could rest in that security guaranteed them by Major E. W. Wynkoop.

Also, that Colonel J. M. Chivington, on his arrival at the post of Fort Lyon, Colorado Territory, was made aware of the circumstances in regard to these Indians, from the fact that different officers remonstrated with him, and stated to him how these Indians were looked upon by the entire garrison; that, notwithstanding these remonstrances, and in the face of all these facts, he committed the massacre aforementioned.

FORT LYON, COLORADO TERRITORY,
January 16, 1865.

Personally appeared before me Private David Lauderback, first cavalry of Colorado, and R. W. Clark, citizen, who, after being duly sworn, say, that they accompanied John Smith, Indian interpreter, on the 26th day of November, 1864, by permission of Major Scott J. Anthony, commanding post of Fort Lyon, to the village of the friendly Indians, Cheyennes and Arapahoes, on Sand creek, close to Fort Lyon, he, John Smith, having received permission to trade with the aforesaid friendly Indians; that, on the morning of the 29th of November, the said Indian village, while all deponents were in the same, was attacked by Colonel J. M. Chivington, with a command of about one thousand men; that, according to their best knowledge and belief, the entire Indian village was composed of not more than five hundred souls, two-thirds of which were women and children; that the dead bodies of women and children were afterwards mutilated.

a most horrible manner; that it was the understanding of deponents, and general understanding of the garrison at Fort Lyon, that this village were by Indians; that they were allowed to remain in the locality they were in by Major Wynkoop, former commander of the post, and by Major Scott thony, then in command, as well as from the fact that permission had been given by John Smith and the deponents to visit the said camp for the purpose of doing so.

DAVID H. LAUDERBACK.
R. W. CLARK.

sworn and subscribed to before me, this 16th day of January, 1865.

W. P. MINTON, *Post Adjutant*.

are copies from the records of this post.

CHARLES WHEELER,
First Lieut. and Reg'tal Adj't Vet. Batt. First Col. Cav.,
Post Adjutant.

FORT LYON, COLORADO TERRITORY,
January 27, 1865.

personally appeared before me Samuel G. Colley, who, being duly sworn, on oath deposes and says, that he is now, and has been for the past three years, United States agent for the Arapahoe and Cheyenne Indians; that in the month of August last he received instructions from Hon. John Evans, governor and *ex officio* Superintendent of Indian affairs for Colorado Territory, directing him to send persons into the Indian country to distribute printed proclamations, (which were furnished with,) inviting all friendly Indians to come into the different agencies designated in said proclamation, and they would be protected and fed; and he caused the terms of said proclamation to be disseminated among the different tribes of Indians under his charge; and that, in accordance therewith, a number of Arapahoes and Cheyennes came into this post, and provisions were issued to them by Major E. W. Wynkoop, commanding, and myself.

That on the 4th day of September last, two Cheyenne Indians (One-Eye and Manimick) came into this post with information that the Arapahoes and Cheyennes had several white prisoners among them, that they had purchased, and were desirous of giving them up and making peace with the whites.

That on the 6th day of September following, Major E. W. Wynkoop left this post with a detachment of troops to rescue said prisoners, and that after an absence of several days he returned, bringing with him four white prisoners, which he received from the Arapahoe and Cheyenne Indians. He was accompanied on his return by a number of the most influential men of both tribes, who were unanimously opposed to war with the whites, and desired peace at almost any terms the whites might dictate.

That immediately upon the arrival of Major Wynkoop at this post, large numbers of Arapahoes and Cheyennes came in and camped near the post.

Major Wynkoop selected several of the most prominent chiefs of both nations, and proceeded to Denver to council with Superintendent Evans. After his return he held frequent councils with the Indians, and, as all of them distinctly stated, that he was not empowered to treat with them, but that he despatched a messenger to the headquarters of the department, stating their wishes in the matter, and that as soon as he received advices from there he would inform them of the decisions of General Curtis respecting them. That until that time, if the Indians placed themselves under his protection, they should not be molested. That the Indians remained quietly near the post until the arrival of Major Anthony, who relieved Major Wynkoop.

Major Anthony held a council with the Indians, and informed them that he was instructed not to allow any Indians in or near the post, but that he had found matters here much better than he had expected, and advised them to go out and camp on Sand creek until he could hear from General Curtis. He wished them to keep him fully advised of all the movements of the Sioux, which they promptly did. He also promised them that as soon as he heard from General Curtis he would advise them of his decisions.

From the time that Major Wynkoop left this post to go out to rescue the white prisoners, until the arrival of Colonel Chivington here, which took place on the 28th day of November last, no depredations of any kind had been committed by the Indians within 200 miles of the post. That upon Colonel Chivington's arrival here with a large body of troops he was informed where these Indians were encamped, and was fully advised under what circumstances they had come into this post, and why they were then on Sand creek. That he was remonstrated with, both by officers and civilians at this post, against making war upon those Indians; that he was informed and fully advised that there was a large number of friendly Indians there, together with several white men, who were there at the request of himself and Colley, and by permission of Major Anthony. That notwithstanding his knowledge of the facts, as above set forth, he is informed that Colonel Chivington did, on the morning of the 29th of November last, surprise and attack said camp of friendly Indians and massacre a large number of them, (mostly women and children,) and did allow the troops under his command to mangle and mutilate them in the most horrible manner.

S. G. COLLEY,
United States Indian Agent.

Sworn and subscribed to before me this 28th day of January, 1865, at Fort Lyon, Colorado Territory.

W. P. MINTON,
Second Lieut. New Mexico Volunteers, Post Adjutant.

A true copy :

CHARLES WHEELER,
*First Lieut. and Regimental Adj't Vet. Bat. First Col. Cav.,
Post Adjutant, Fort Lyon, Colorado Territory.*

The following protest was presented, and the court was cleared for discussion :

John M. Chivington most respectfully protests against the ruling of the court for the following reasons :

1st. That in our cross-examination of witnesses introduced by the prosecution, the court does not allow us the right guaranteed to us by law, of asking direct or leading questions, thereby entirely taking from us the only means we have to test the credibility of witnesses introduced by the prosecution. In the last instance we asked a question which we have reason to believe we can prove by other witnesses, but the court overruled the question; that we stated prior to that, that we would have to ask leading questions in relation to what occurred at Spring Bottom, in order to lay the foundation for impeaching the testimony of the witness, but the court has overruled the question, and deprived us of a right without which we are left to the mercy of malice and hatred in a perfectly defenceless condition.

The commission objected to the question on account of its irrelevancy to the subject-matter of this investigation, and after the witness has stated in his direct evidence that Colonel Chivington has manifested a disposition to make sport of him, (the witness,) and that he (the witness,) gave him short answers. Even admitting that the witness made the statement (he was not under oath) that Major Anthony and Captain Soule should be dismissed from the service, for

nothing said or done, it was only the opinion of a citizen, who makes no pretension to a correct knowledge of the duties of military officers, and while in conversation with one whom he considered as making sport of his statements

Cross-examination of Mr. James M. Combs by J. M. Chivington continued :

Question. What did you state to Colonel Chivington regarding the officers at Fort Lyon ?

Answer. I don't know as I stated anything except what I stated before ; nothing in particular about them any way.

Question. You say that Colonel Chivington stated to you that Left Hand was in command of Fort Lyon. Was it not yourself that made that statement ?

Answer. No.

Question. You say that Colonel Chivington told you that Wynkoop was an honor to the Colorado first, &c. Was not that told you in reply to a statement made by you in regard to Major Wynkoop ?

Answer. I made no remark concerning Major Wynkoop except what I have heretofore stated.

Question. You stated that you had seen the Indians get stores from both Major Wynkoop and Anthony. Will you state as near as you are able how much quantity you have seen the Indians obtain from each of the two officers named ?

Answer. I have seen the Indians taking provisions from the commissary when each was in command, and while Major Anthony was in command I saw him haul away a wagon load of flour. That was the most I saw at any one time.

Question. You state that the Indians generally went where they chose. How many Indians have you seen in the post at any one time, and who was in command when the Indians went where they chose ?

Answer. I could not state how many I have seen there begging and trading at different houses, and that when each was in command. Sometimes, while Major Anthony was in command, he would allow them in some days and some days would order them kept out. There was nothing regular about it. I don't know as I ever saw any on the parade ground after he gave the order forbidding them.

Question. You state that a great deal of trouble was experienced from the Indians' begging, &c., at Fort Lyon. Who was in command at that time, and what time of the year was this ?

Answer. It was when each was in command. It was in November and I think the last of October. I think that when they first came in they were more for trading than begging. After that the articles they were trading were small articles, lariats, moccasins, &c., begging more than trading. Before that they traded beaver robes, &c.

Question. You state that the officers, soldiers and citizens visited the Indian camps at Fort Lyon. At that time how far was the Indian camp from Fort Lyon ?

Answer. At that time I should think about a mile and a half. I say at Fort Lyon, for it was considered so when they were camped seven miles below it.

Question. What officers have you seen at the Indian camps at Fort Lyon ?

Answer. I have seen Major Wynkoop there ; I have seen Captain Soule there, and I think Lieutenant Phillips. I don't think of any others now.

Question. Who was with you when you first heard the news of the Sand Creek affair, and did you or did you not express yourself pleased to hear that the Indians had been killed ?

Answer. I don't remember where I heard it first. I know I was on my way home when I heard it. I heard it was a party of Sioux warriors that were attacked, and heard they were near Smoky Hill ; also heard that several officers

were killed at the same time—Captain Baxter and others. I was pleased that they (the Indians) were killed when I first heard the report, and thought they were a party of warriors.

Question. Did you at any time while conversing with Colonel Chivington express to him your opinion as to the propriety of his killing the Indians near Fort Lyon?

Answer. No. I avoided all conversation of that kind. My opinion I think would not have been worth much.

Question. Who was it that was telling how he was going to arrange his scalps, &c.?

Answer. Different ones; it was a general conversation with all present. I think that Major Downing had as much to say as any of them. Some said they were going to have Neva's, some Left Hand, &c.

Question. Will you state the names of any of these parties if you remember?

Answer. It was a general talk; I don't remember names particularly. They were mostly officers, and of the third, whose names I do not know; I have named before all that I know.

Question. You state that you told Colonel Chivington that the Indians had given up horses, mules, and all government property taken; to whom did the Indians give this property, and at what time was it given up?

Answer. What I saw was turned over to Major Anthony, and was said to be all they had. I should think that what was said to be the last of it was given up between the first and the middle of November.

Question. Did you and your friend or person with whom you were travelling, Mr. Brown, after leaving the house have any conversation in regard to Colonel Chivington, and what had been said in regard to Indians?

Answer. We might have had; we probably did; it was natural to have after what was said in the house; I don't recollect for certain.

Commission adjourned until 1½ this p. m.

One and a half p. m.—Commission met pursuant to adjournment Present all members and recorder.

Cross-examination of Mr. James M. Combs by J. M. Chivington closed.

Re-examination of Mr. James M. Combs:

No questions asked.

DAVID H. LOUDERBACK called in by the commission to give evidence. The oath being administered according to law, he (Loudersback) testified as follows:

Question. Your full name and occupation?

Answer. David Henry Loudersback, a soldier.

Question. How long have you been a soldier?

Answer. Almost four years.

Question. Where were you during the latter part of November, 1864?

Answer. I was on Sand creek.

Question. State the time of your going there.

Answer. On the morning of the 26th of November, 1864; the same morning that Major Wynkoop left for the States.

Question. Did you go alone, and what induced you to go to Sand creek?

Answer. I did not go alone. John Smith and a teamster, by the name of Clark, went with me. Major Anthony requested John Smith to go out there and see what the Indians were doing, and gave him permission to take some goods out with him to trade to those Indians on Sand creek. John Smith wanted me to accompany him, and Major Anthony gave me his permission to go out with him.

Question. What did you find there on your arrival?

Answer. I found an Indian village there; about one hundred and twenty dogs altogether.

tion. State whose village it was, and how many Indians were there.
 er. Black Kettle's band of Cheyennes, and Left Hand's Arapahoes,
 edges of Arapahoes;) in all, about five hundred Indians.

tion. State what was done on your arrival at the village.

er. We unloaded our goods, put them in the lodge of War Bonnett, and
 our mules loose to let them graze. We eat our dinner after turning the
 nose.

tion. How long did you remain at the village, and what was done with
 ods?

er. Arrived there on the 27th of November, and we remained at the
 until the morning of the following Thursday, December 1, 1864. The
 ere traded off for buffalo robes, ponies, and mules.

tion. State the number of ponies, mules, and buffalo robes you received
 unge for your goods.

er. Three ponies, one mule, and one hundred and four buffalo robes.

tion. Did anything happen to that village before you left Sand creek?

er. Yes; on Tuesday morning, the 29th, a squaw came into the lodge
 re were eating breakfast, and said there was a heap of buffaloes coming.
 minutes afterwards, one of the chiefs came in and said there were a lot of
 coming.

tion. State what happened on the morning of the 29th November, 1864,
 creek.

er. John Smith and I started out to see what was the matter. We
 they were Blunt's men from Riley, at first, I wanted Jack Smith
 (Smith's son) to get me a horse, so that I could go out and see what they
 but he could not get one. The squaws had driven them all away from
 ge, as soon as they knew there were soldiers coming. The main herd
 ow the village a mile or two.

soldiers commenced firing by that time, and I put a white handkerchief
 ck, and started towards the soldiers with it. I got up within a hundred
 y yards of them, and they commenced firing on John Smith and me.

ad to go back to the village; after that, Clark got a tanned buffalo skin
 it on a lodge pole and raised it. He stood on a wagon with it; he had
 own off the wagon with it, as the bullets flew so thick around him, and
 John Smith went into a lodge. I staid outside, sitting on the wagon
 until they commenced firing the howitzers.

I went into the lodge; I thought it was getting too warm for me out-
 staid inside of the lodge, looking out the door, watching for Colonel
 ton. I saw him crossing the creek, at the lower end of the village. I
 l him until he came up within forty or fifty yards of the lodge, and I
 l to him, calling him by name, and he told me to come on, that I was all
 lling me by name. I went out to him, and in going out a man fired at
 asked the colonel what they were firing at me for, and he turned around
 l them to stop firing. He then told me to fall in rear of the command,
 as all right. I told him to hold on a minute, the lodge was full of white
 inting a lodge out to him in which John Smith was. Just at this time
 nith came out and called Colonel Chivington. Colonel Chivington told
 bring his friends out, that he was all right; he came out, bringing the
 r and Charley Bent, and they fell in with the command. I had got a
 the mean time, and gave that to John Smith to ride. I got another one
 elf, and went on up to our battery, (our company had a battery at that
 I went to where they were fighting, and helped them to work their guns,
 ces, &c., until Lieutenant Baldwin's horse was shot. When his horse
 t I went back to the village to get my boots and overcoat. These were
 dge where I stopped. After putting on my overcoat and boots, I got a
 nd put on my horse, and went back up to where they were fighting.

and had not left the lodge ; she had her child with her. In about half an hour they brought in a squaw belonging to Charlie Windsor, who used to be a sutler's store here. In a few minutes after they brought in Jack Smith, who had given himself to a major of the third regiment—I think his name is Major Smith. Along late in the evening they brought into the lodge three young Indians and a pappoose about a month old. I cooked the supper for that night and their breakfast next morning. At the time I cooked supper I made some coffee for Colonel Chivington and Mr. Gill. Jack Smith that night borrowed some coffee for the hospital and Colonel Chivington came and got it the next morning. Wednesday morning, after breakfast of the men came for our robes that we had baled up, and said that Colonel Chivington had ordered them for the hospital. They took all our robes, and provisions, and everything we had in the way of clothing, except what we had on our backs. John Smith went up to see Colonel Chivington about it, and remonstrated with him about their taking all his clothing, and provisions, &c. Then Colonel Shoup went down to the lodge and picked up the robes, and ordered the guard not to let any person take anything out of the lodge. There was nothing in the lodge at the time except the Indians, the prisoners, ourselves, and one set of harness. The guard staid there until 12 o'clock that day ; then they left, and were not back there again until afternoon there were several men in talking to Jack Smith, and told him that he was a son of a bitch, and ought to have been shot long ago. Jack told them that was talking to him that he did not give a damn ; that if he wanted to shoot him, shoot him. When Jack said this I thought it was time for me to get out of there, as men had threatened to hang and shoot me as well as Jack Smith and the teamster that was with us. I went up to Colonel Chivington's headquarters, and had just reached there, when I heard the report of a gun, I could not tell which, and looking around I saw old uncle John coming up towards Colonel Chivington's headquarters. Colonel Chivington upon hearing the report, said "Halloo ; I wonder what that is." I am saying that they had shot Jack Smith, and I thought it was a damn shame the way that they killed him. No matter what a man had done, they

e men over to Dr. Hamel, I put my team in the quartermaster's corral and to the commanding officer of my company at the fort. I drew my arms and intended to join, when there were orders come in for every man fit for duty at the post to report to the command at Sand creek. I left the fort to join the command with Major Anthony about that night, (Friday night.) We caught the command about ten miles from Salt Bottom, near Camp Wynkoop, about 7 o'clock Saturday morning, reaching the command I was put on duty as sergeant major of the 1st battalion. The command proceeded down the river about forty miles from Camp Wynkoop, when they laid-over two days and then returned to the fort.

Q. How many Indians were in the village at the time of the attack?
A. Colonel Chivington.

Q. They were all there that were there when we first went there, five or very near five hundred.

Q. How many of these were women and children?

A. The largest part of them were women and children. There were very few men there, (warriors.)

Q. Did any of the Indians escape during the attack?

A. Yes; a large number of the Indians got away.

Q. How many Indians were killed?

A. That I cannot say, as I did not go up above to count them. I saw many. I could not stand it; they were cut up too much.

Q. Was anything done to the Indians after they had been killed?

A. Yes; they were scalped and cut up in an awful manner; what I saw

Q. By whom were they scalped and mutilated?

A. By the soldiers; I could not say what regiment they belonged to, or their names are.

Q. Did you see them scalping and mutilating?

A. I did not. I saw the bodies after it was done.

Q. Had the Indians before the attack made any preparations for defence?

A. They had not.

Session adjourned until 9 a. m. to-morrow, March 31, 1865.

THIRTY-SEVENTH DAY.

MARCH 31, 1865.

Session met pursuant to adjournment. Present, all members and recorder. A copy of papers appended to these proceedings, from page 453 to page 494, inclusive, was dispensed with for the present, by order of the commission. In exception, the proceedings of yesterday were read, amended as follows: approved: on page 507, 18th line, insert after the word "saddle," "and

examination of David H. Louderback (a soldier) by the commission:

Q. At the time of the attack, were any of the chiefs in the village? If so, their names.

A. There were; Black Kettle, White Antelope, Stand-in-the-Water, and War Bonnet, and Left Hand, of the Arapahoes. Those are all the chiefs now were there.

Q. What did they do when the village was attacked?

A. White Antelope, Black Kettle, and Stand-in-the-Water started to tell the soldiers to tell them they did not want to fight. The troops fired at Black Kettle then started off with the rest of the Indians that left; White Antelope and Stand-in-the-Water started to their lodges, got their guns, came back, and commenced firing at the troops. Both of them were

killed within fifty yards of each other; White Antelope was killed in the bed of the creek and Stand-in-the-Water was killed right opposite to him, on the left hand side of the creek. After they were killed they were scalped, and White Antelope's nose, ears, and privates were cut off.

Question. What became of the other chiefs you have mentioned?

Answer. I believe they all got away, as I did not see any of them afterwards.

Question. Were all the Indians killed at Sand creek killed by Colonel Chivington's command?

Answer. They were killed by the soldiers under his command. They were all under his command.

Question. Have you been to Sand creek since?

Answer. I have not.

Question. Who threatened to kill John Smith at Sand creek?

Answer. I could not say who they were. They were soldiers; some of the officers said, (while John Smith was trying to get to them,) "Shoot the old son of a bitch; he is no better than an Indian."

Question. What became of the prisoners taken at Sand creek?

Answer. With the exception of Jack Smith, they were all brought into the fort; John Smith's squaw and Charlie Winsor's squaw, with their children, were brought in when I came in first to the post. The three children the third regiment men took care of, and were brought into the post when we returned from down the river below Camp Wynkoop. The pappoose was carried in a feed-box of a wagon a day or a day and a half, and then it was thrown out and left in the road; I do not know whether they killed it or not.

Question. State who it was that threw the pappoose out on the ground.

Answer. I do not know who it was.

Direct examination of David H. Louderback by the commission closed.

Cross-examination of David H. Louderback, by J. M. Chivington:

Question. You say you went to Sand creek with John Smith, who had permission to trade, &c.; did you have any interest in the profits that might accrue from any transactions you might have with the Indians?

Answer. I did not.

Question. You say there were about one hundred and twenty lodges in the village; what was your means of knowledge that there were that number, and did you count them?

Answer. I counted the lodges to the number of one hundred and fifteen. There were some few lodges about half a mile below the main village that I did not count, and concluded there were about one hundred and twenty lodges in all.

Question. How long have you been acquainted with Black Kettle and the other chiefs you have named?

Answer. Since September, 1864.

Question. Have you often since that time been among the Indians trading?

Answer. I have not. It was the only time I ever was among them trading. It is the only time I ever was in an Indian camp. I traded a little with the squaws here at the post, but was never before in their village except at Sand creek.

Question. Upon first learning that the soldiers were coming did not the Indians take from you, or some of you, your arms, and did they not threaten to injure you?

Answer. They did. They threatened to injure me, but they did not threaten to injure uncle John Smith. They took John Smith's and my revolvers from us; but they were not on us. We were outside the lodge, and the revolvers were on the inside of the lodge, on our beds.

Question. Did they (the Indians) at any time threaten to injure John Smith?

Answer. I did not hear the Indians threaten to injure him.

Question. Did you at any time hear John Smith say that the Indians had threatened to injure him?

Answer. I did not.

Question. Why did the squaws drive the herd of ponies, &c., away, when they heard that the soldiers were coming?

Answer. They thought there was something wrong when they first came in.

Question. You say you made coffee for Colonel Chivington. Did you make coffee at his request?

Answer. I did. He requested John Smith to have some made, and John Smith asked me to make it.

Question. Who told you that Colonel Chivington ordered the robes, blankets, provisions, taken out of John Smith's lodge, to be taken for the hospital?

Answer. What your means of knowledge is that Colonel Chivington gave such orders.

Answer. It was a sergeant of the third regiment. He came and said that Colonel Chivington ordered them for the use of the hospital, and ordered the men to take them to the hospital.

Question. You state that there were about five hundred Indians in the village at Sand creek when Colonel Chivington attacked it. How do you know that their number was five hundred; did you count them?

Answer. I had been out at the village at Sand creek there two days and two nights. I knew about the number that had been trading with us.

Question. Was this your only means of knowledge of the number of Indians in the village at Sand creek?

Answer. That was all. I thought I ought to know as I had been there two days trading, &c.

Commission adjourned until 1½ p. m. this day.

One and a half p. m.—Commission met pursuant to adjournment. Present, members and recorder.

Cross-examination of David H. Louderback, by J. M. Chivington, continued:

Question. Were there more women and children in the village at Sand creek than are usually in Indian villages, according to the number of men?

Answer. I state that two-thirds present were women and children.

Answer. I said the larger number of them were women and children. No, there were not any more women and children in the village at Sand creek than are usually in Indian villages, according to the number of men.

Question. You state that a large number of Indians got away. What is your means of knowledge that they got away; and were you in a position where you could see all that were killed and all that got away?

Answer. I was in such a position that I could see when they got away, as the number started before the troops commenced firing. I could not see all that were killed. I did not see all that got away. I saw those that got away when the fight commenced.

Question. Were the eight Indians you saw killed all scalped, and otherwise mutilated?

Answer. They were, all but one pappoose, about a year old.

Question. Describe particularly how these Indians were mutilated, and where they were laid.

Answer. All but Stand-in-the-Water laid in Sand creek. The creek was nearly dry, but a very little water running in it. They were all scalped, and in some instances, including White Antelope, had their noses and ears cut

off, including their private parts. White Antelope laid in the bed of the opposite the lower end of the main village, and opposite to War Bonnet's Stand-in-the-Water laid on the left-hand side of the bank, opposite to Antelope. The others laid between White Antelope and the upper part of the village, where they had the main fight. They all laid in the bed and banks of the creek.

Question. Were White Antelope, Stand-in-the-Water, and the others state were mutilated, so mutilated immediately after they were killed and the fight had terminated?

Answer. I could not state, as I did not see them until the next day, the next day.

Question. Were there not a great many Indian or wild dogs at the village, and might they not have mutilated the bodies?

Answer. There were a great many dogs about the village, but they did not mutilate the bodies as I saw them.

Question. You state that when the Indians were attacked, White Antelope, Black Kettle, and Stand-in-the-Water started towards the troops to tell them they did not want to fight. Do you understand their language? And you know that they went towards the troops to tell the troops they, the Indians, did not want to fight?

Answer. John Smith told me so at the time, when they started towards the troops.

Question. Is this, what John Smith told you, the only means you know of that Black Kettle, White Antelope, and Stand-in-the-Water started toward the troops to tell the troops that they, the Indians, did not want to fight?

Answer. Yes.

Question. Do you know that the person or persons who mutilated the bodies of the Indians were soldiers?

Answer. I do not.

Question. Did you ever see any correspondence between Major Anthony commanding Fort Lyon, and the commanding officer of the district of the Arkansas? If yes, state the contents particularly.

Answer. I did. Major Anthony stated to the commanding officer that he was keeping these Indians here under promise of peace, but still, if he had one hundred men here ready for the field, after getting some few friendly Indians out of their camp, he would kill the balance of them.

Question. Did you ever see any correspondence between Major Anthony and Colonel Chivington in regard to these Indians? If so, state what it was particularly.

Answer. He wrote a letter to Colonel Chivington. Contents were about the same as the letter to the commanding officer of the district of the Upper Arkansas.

Question. In that letter to Colonel Chivington, did not Major Anthony state that the Indians had threatened to attack Fort Lyon?

Answer. No, he did not state that; what I saw of the letter didn't; no Indians.

Question. Do you know that Major Anthony ever stated that the Indians threatened to attack Fort Lyon?

Answer. I do not; he had never stated that the Indians on Sand creek had threatened the Indians on Smoky hill had.

Question. Did the Indians that were attacked on Sand creek ever receive any rations from the government?

Answer. Yes, there were some of them who did—Black Kettle, One-Eye, and Left Hand; that is all I know of those Indians.

Question. Did Black Kettle, One-Eye, and Left Hand simply receive rations for themselves, or for their tribes? State how much in quantity they received as near as you are able.

Black Kettle and Left Hand received rations for themselves and only. One-Eye drew rations from government as a government spy.)

Q. You state that the pappoose captured at Sand creek, and carried a day and a half in the feed-box of a wagon, was thrown out and abandoned on the road; what is your means of knowledge that such was the fact?

A. Men and officers of the command told me it was thrown out.

Q. Is what the men and officers of the command told you in regard to abandonment of the pappoose all that you know of the abandonment?

A. The Arapahoe squaw that came in here after the command had left first stated to John Smith that she had found the child on the road and abandoned it.

Q. Could the squaw speak English, and did you understand her when she was cutting the child's throat, or did John Smith tell you that the squaw told him that she had found the child and cut its throat?

A. She couldn't speak English; John Smith and Bob Bent both told me she said.

Q. Is what you have stated all your means of knowledge that the child was abandoned as you first stated?

A. Yes. It never came in here, and I did not see it after I got back to the command.

Examination of David H. Louderback by J. M. Chivington closed.

Examination of David H. Louderback by the commission:

Q. Did the Indians give any reasons for disarming you at the time of their attack upon their village by Colonel Chivington? If so, state what they are.

A. They did not.

Q. Did they offer you, or those with you, any personal violence at the time?

A. They did not offer any violence to any but me.

Q. Did they give any reasons why they had disarmed you? If so, state what they were.

A. They thought I was a spy, sent out there by Major Anthony to see what they were doing and leave marks to show the soldiers the way out.

Examination of David H. Louderback (a soldier) closed.

Session adjourned until 9 a. m. to-morrow, April 1, 1865.

THIRTY-EIGHTH DAY.

APRIL 1, 1865.

Session met pursuant to adjournment. Present, all members and recorder. Minutes of yesterday read and approved.

GEORGE M. ROAN called in by the commission to give evidence.

After being administered according to law, he (Roan) testified as follows:

Q. Your full name and occupation?

A. George M. Roan; occupation, a soldier, company C, veteran battalion of Colorado cavalry.

Q. How long have you been a soldier?

A. Two years next June.

Q. Where were you during the latter part of November, 1864?

A. I was here at this post until I started out to Sand creek, on the rear command of Lieutenant Baldwin, who was under command of Colonel M. W. Smith.

Q. State what you saw on your arrival at Sand creek?

Answer. I saw some fighting ; I saw a camp of Indians, and the stars and stripes waving over the camp.

Question. State what was done on arriving at Sand creek.

Answer. There were Indians killed all around over the bluffs ; that I saw then ; I saw Jack Smith killed in a lodge.

Question. State who Jack Smith was and how he was killed.

Answer. He was old John Smith's son ; the man who shot Jack Smith was a soldier ; I don't know what his name was. There was a hole cut through the lodge, and a revolver poked through the hole. The man that shot him was on the outside of the lodge.

Question. Had any of Colonel Chivington's command reached the village at the time you first saw the stars and stripes ?

Answer. No, they had not.

Direct examination of George M. Roan by the commission closed.

Cross-examination of George M. Roan by J. M. Chivington :

Question. You state that when you first saw the stars and stripes none of Colonel Chivington's command had reached the village. State how you know none of Colonel Chivington's command reached the village before you did.

Answer. I was on the right of the battalion and in front.

Question. During the march of the battalion in which you were serving, were there no one in advance of the battalion ?

Answer. Yes, I suppose there were men, but they had not arrived at camp yet.

Question. How many persons were in advance of the battalion in which you were serving, and how far in advance of the battalion were they ?

Answer. I can't state how many ; I did not count them. I should think there were about three-quarters of a mile in advance when I saw them.

Question. Were they not over three-quarters of a mile in advance of the battalion ?

Answer. No ; to the best of my knowledge they were not.

Cross-examination of George M. Roan by J. M. Chivington closed.

Re-examination of George M. Roan, a soldier, company C, veteran battalion first Colorado cavalry :

No questions asked.

Sergeant PALMER, veteran battalion first Colorado cavalry, called in by the commission to give evidence. The oath being administered according to law (Sergeant Palmer) testified as follows :

Question. Your full name and occupation ?

Answer. Lucian Palmer ; occupation a soldier of company C, veteran battalion first Colorado cavalry.

Question. How long have you been a soldier ?

Answer. A little over three years.

Question. Where were you during the latter part of November, 1864 ?

Answer. On the 28th of November I left Fort Lyon with a command on expedition against the Indians.

Question. Of whose command were you at that time ?

Answer. Major Anthony's.

Question. Where did you go ?

Answer. To Sand creek.

Question. What did you see on your arrival at Sand creek ?

Answer. I saw a skirmish fight with the Indians.

Question. In what situation were the Indians on your arrival at Sand creek ?

Answer. They were encamped there.

Question. Describe their camp on Sand creek.

Answer. I should judge the camp was a half a mile long, extending up and down the creek, situated between two very high ridges in a valley. Their camp was on the north side of the creek.

Question. State of what their camp consisted.

Answer. Their lodges; I don't know the number.

Question. Did you see anything more than the lodges? If so, state what you saw.

Answer. I don't think I saw anything worth speaking of; I was through their camp but very little.

Question. State what happened on the arrival of the command at the Indian village on Sand creek.

John M. Chivington most respectfully objects to the question for the following reason: that the witness has stated what occurred on his arrival.

Objection sustained by the commission.)

Question. State the particulars of the skirmish with the Indians—what you saw.

Answer. The first movement that I saw after arriving at the Indian village was to cut off the herd of ponies from the village. Our battery was ordered by Colonel Chivington to take position near the bank of the creek. On arriving at that position the main body of the Indians were several hundred yards from the creek. We threw several shells, which did not reach them. The third battery threw several shells, some of them falling among the Indians. Several companies of cavalry were upon each side of the creek firing into the Indians. Our battery was then ordered by Colonel Chivington to take another position. We threw several rounds of grape and canister at them when they were intrenching themselves on the opposite side of the creek. All this time the cavalry were firing into them briskly, no respect paid to little or big, old or young. Our battery was then ordered back, where we remained until the skirmish or fight closed. I have stated about all I saw, during the skirmish, I believe.

Question. How many Indians were killed during the skirmish or fight?

Answer. I could not state.

Question. Were any prisoners taken? If so, state what was done with them.

Answer. I saw two squaws and three papposes taken prisoners. The squaws and two papposes were sent to Fort Lyon; the other pappoose was left at our first camp this side of Sand creek.

Question. Were there any others taken prisoners by Colonel Chivington's command?

Answer. I did not see any others taken prisoners myself.

Question. State if anything was done to the Indians after they had been killed.

(**John M. Chivington** most respectfully objects to the question for the following reasons: that the witness has stated that he had related all that occurred, &c.; that the question is leading, suggesting to the witness that something had been done to the Indians; that there is no evidence to show that they were touched, &c.)

Objections sustained by the commission.)

Question. Was anything done to the Indians after they had been killed?

Answer. They were scalped; skulls broken in in several instances; I saw several of the third regiment cut off their fingers to get the rings off of them; saw Major Sayre scalp a dead Indian; the scalp had a long tail of silver hanging to it; I believe that is all.

Commission adjourned until 9 a. m. Monday, April 3, 1865.

THIRTY-NINTH DAY.

APRIL 3, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of Saturday, April 1, 1865, read and approved.

Direct examination of Sergeant Lucian Palmer, company C, veteran battalion first Colorado cavalry, by the commission, continued:

Question. At what time was the scalping done, during or after the fight?

Answer. All I saw done was done the day after the fight.

Question. Were any of the officers present during the time you saw the scalping?

(John M. Chivington most respectfully objects to the question for the following reason: that the question is leading and suggests the answer required.

Objection overruled by the commission.)

Answer. Major Sayre, of the third regiment, was present, and about eight or ten privates.

Question. Did he give any orders or attempt to prevent the scalping of the dead?

(John M. Chivington most respectfully objects to the question for the following reasons: that the question is leading, and suggests the answer required; that there is no evidence before the court that there were any orders given in regard to it, and that if they had given any orders, it has not been shown that the orders were legal and should have been obeyed.

Objection sustained by the commission.)

Question. Were any orders given to the command previous to or during the fight?

Answer. I don't recollect of hearing any orders.

Question. Was anything done after the fight? If so, state what was done.

Answer. We laid in camp on Sand creek; on the 30th of November the lodges were burnt; also their saddles and lodge-poles. We camped in Sand creek, twelve miles from the battle-ground, the night of the 1st of December.

Question. State where the command first camped after the fight on the 29th.

Answer. They camped on the ground that the Indians had their lodges on.

Question. How far from the camp was the scalping done?

Answer. Half a mile, all the way from camp as far up as that.

Direct examination of Sergeant Lucian Palmer by the commission closed.

Cross-examination of Sergeant Lucian Palmer by J. M. Chivington:

Question. Could the command have killed the Indian warriors at Sand creek without killing squaws and children, and were they not all fighting together against the troops, so that had the troops attempted to take the squaws prisoners they would have been shot by the Indian warriors?

Answer. I think if the fight had been properly managed it would have been an easy matter to take the squaws and children prisoners without being shot by the warriors, from the fact that our forces were far superior to theirs.

Question. You say that Colonel Chivington ordered your battery to take another position, &c.; why do you state in the conclusion of your testimony that you heard no orders given previous to or during the fight?

Answer. I don't know unless I looked at it in a different light from the way the question was asked of me.

Question. What are your means of knowledge that the pappoose was left in your first camp, this side of Sand creek, as you have stated.

Answer. I saw it left there.

Question. Did not the squaws you had with you refuse to have anything to do with it, refusing to take care of the pappoose, &c.

Answer. They took care of it the first day after we left Sand creek; they

it in bed with them the night we stopped this side of Sand creek; they left themselves, as no one else had anything to do with it to my knowledge.

Question. Did you see any person besides the ones you have mentioned scalping or mutilating Indians? and are you positive that the person you saw scalping the Indian mentioned was Major Sayre, of the third regiment, or that he was an officer at all?

Answer. Those I have mentioned are the only ones I saw scalping and mutilating the Indians, only from the fact that the party he had with him called Major Sayre, and he was pointed out to me by officers of the first regiment Major Sayre of the third regiment.

Cross-examination of Sergeant Lucian Palmer by J. M. Chivington closed.

Re-examination of Sergeant Lucian Palmer. No questions asked.

Amos D. JAMES called on by the commission to give evidence.

The oath being administered according to law, he (James) testified as follows:

Question. What is your full name and occupation?

Answer. Amos D. James; occupation a soldier, company C, veteran battalion Colorado cavalry.

Question. How long have you been a soldier?

Answer. Between three and four years, since September, 1861.

Question. Where were you during the latter part of November, 1864?

Answer. I was at this post, and on a campaign; I left this post the 29th of November on a campaign; on the afternoon of the 30th I arrived at the camp on the battle-ground; when I arrived at camp it was in the afternoon, and I saw nothing that day of importance. The morning we left the battle-ground I rode over the field; I saw in riding over the field a man (a sergeant of the 3d) dismount from his horse and cut the ear from the body of an Indian, and the scalp from the head of another. I saw a number of children killed; I suppose they were shot, they had bullet holes in them; one child had been cut with some instrument across the side. I saw another that both ears had been cut off. That is all I have to say, only there was an officer in company with the man that scalped the Indian.

Question. Who was the officer you saw with the man that scalped the Indian?

Answer. I don't know his name.

Question. How far from the camp of the command was the scalping and mutilating done?

Answer. What I saw I should think was between a quarter and a half a mile.

Question. How many dead Indians did you see in riding over the field?

(John M. Chivington most respectfully objects to the question for the following reasons: that there is no evidence that the witness rode all over the field, which has to be shown first, in order to inquire what he saw on the entire field. Objection not sustained by the commission).

Answer. I could not say how many I saw; I did not count all; I counted a hundred or a little over.

Question. How many of those you saw were warriors?

Answer. I could not say.

Question. How many children did you see that were killed?

Answer. I couldn't tell how many.

Question. Did anything of an unusual character happen in camp on Sand Creek the morning after you arrived there?

Answer. What I have already stated I saw in the morning.

Commission adjourned until 1½ p. m. this day.

One and half p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

Direct examination of Amos D. James, a soldier, company C, veteran battalion first Colorado cavalry, closed.

Cross-examination of Amos D. James, by J. M. Chivington :

Question. You say that you saw at Sand creek a sergeant cut off an ear of an Indian, and the scalp of another ; were there any persons near these parties except yourself, and what part of the field did this occur ?

Answer. There was quite a number present. There was a lieutenant along. It occurred between a quarter and a half a mile above the camp, towards the lower part of the field.

Cross-examination of Amos D. James, a soldier, company C, veteran battalion first Colorado cavalry, closed.

Re-examination of Amos D. James, a soldier, veteran battalion first Colorado cavalry :

No question asked.

W. P. MINTON called in by commission to give evidence. The oath being administered according to law, he (Minton) testified as follows :

Question. What is your full name and occupation ?

Answer. William P. Minton ; my occupation has been a soldier.

Question. What was your rank in the army, and when were you mustered out of the service ?

Answer. I was a second lieutenant. I was mustered out of the service February 4, 1865.

Question. Where had you been on duty previous to your muster out of the service ?

Answer. At Fort Lyon.

Question. How long have you been on duty at Fort Lyon ?

Answer. Since the 10th of September, 1864.

Question. Were there any councils with the Indians at Fort Lyon, while you were on duty at said post ?

Answer. Yes ; several of them.

Question. Were you present at any or all of them ? If so, state what transpired.

Answer. I was present at one council. There was an understanding made with the Indians that they were to go to camp at Sand creek, and were to be considered under the protection of the post. They were to give any information that might be useful to the commanding officer of the post, such as hostile Indians approaching the post or anything of that kind, and the commanding officer guaranteed to them that they could stay there without being molested until he got some further news from the commander of the department as to what course he should take in regard to them. I don't know of anything else of importance that transpired at it.

Question. Who were present at that council ?

Answer. Major Scott Anthony, Major Wynkoop, Captain Soule, Lieutenant Cramer, Lieutenant Phillips. I think there were more there, but I do not remember their names. Major Colley, Indian agent, was there ; Colonel Benton, Bob Bent. Of the Indians, Black Kettle was there, and Left Hand. That is about as far as my acquaintance went with the Indians.

Question. Where were you during the latter part of November, 1864 ?

Answer. At Fort Lyon.

Question. Did anything unusual transpire at Fort Lyon about that time ? If so, state what it was.

Answer. Yes ; Colonel Chivington's command came in one day.

Question. Did you see Colonel Chivington at that time, and have a conversation with him in reference to the Indians ?

M. Chivington most respectfully objects to the question for the following : That it is leading and suggests the answer required. There is no yet that the witness had any conversation with Colonel Chivington, asking questions upon presumption that the witness has had conversations with Colonel Chivington in regard to Indians, &c., is irregular and improper. (Question sustained by the commissioner.)

Q. Did you have any conversation with any officer of that command in reference to the Indians ?

A. I heard a conversation between some of the officers of that command and officers of this post. I did not have any conversation with them in regard to the Indians.

Q. State who those officers were.

A. The officers belonging to this post were Captain Cook, Lieutenant and myself, also Major Colley ; Colonel Chivington was there ; a gentleman by the name of Maynard was also there. I don't recollect any others particularly. The conversation was general.

Q. State what was said during that conversation.

A. Some of the parties were endeavoring to press upon Colonel Chivington the injustice of going to attack that camp on Sand creek, and explain to him the particular circumstances in which the officers of this post and the Indians were situated. Colonel Chivington was walking the room in a suitable manner, and he wound up the conversation by saying, D ——— who is in sympathy with an Indian.

Examination of W. P. Minton, by the commissioner, closed.

Examination of W. P. Minton, by J. M. Chivington :

Q. What tribes did the Indians represent who had the council at Fort H. at which the understanding was they should encamp on Sand creek ?

A. Cheyennes and some Arapahoes.

Q. In what language was the conversation between the officers and the Indians carried on at the council of which you have spoken ?

A. I don't know what language was used. There was an interpreter. The officers spoke in English to the interpreter, and he speaking some to me I did not understand to the Indians.

Q. Then your only means of knowledge that an agreement made between the officers and the Indians as you have stated was from the interpreter, is that ?

A. I spoke to another person whose name was Prowers, who was present and stated that the agreement was as I stated, as well as the interpreter.

Q. Is what you have stated all your means of knowledge that an agreement was made between the officers and Indians, as you have stated ?

A. Yes.

Q. Will you state the interpreter's name in full, as well as Prowers's name ?

A. The interpreter's name is John Smith ; John Prowers was the name of the other.

Q. You state that the agreement between the officers and Indians was that the Indians should go into camp on Sand creek. Will you state where on Sand creek the Indians were to go particularly, according to your understanding of the agreement ?

A. I did not understand at that time where Sand creek was, or any particular place on it.

Q. Did you understand that there was any agreement that the Indians should go to any particular place on Sand creek, how far from the fort, &c. ?

A. Yes ; there appeared to be an understanding that they knew where to go to camp ; I did not know where it was or how far from the fort.

Question. You state the agreement between the officers and the Indians was that the Indians should be under the protection of the post. Please explain what was understood by this protection of the Indians, &c., as you understood it; and whether the Indians were to be fed, &c.; and if attacked, whether they were to be protected by the troops.

Answer. That there should be no hostile parties sent against them; there was no agreement made to feed them; I did not understand that they were to be protected by the troops if attacked; there was nothing of that kind thought of.

Question. Who called this council of which you have been speaking, and who was in command of Fort Lyon at the time the council was held?

Answer. I don't know who called it; Major Scott Anthony was in command of the post. I heard the officers invited to go up to the commissary, to a council, by Major Anthony.

Commission adjourned until 9 a. m. to-morrow, April 4, 1865.

FORTIETH DAY.

APRIL 4, 1865.

Commission met pursuant to adjournment. Present, all members and recorder.

Proceedings of yesterday read and approved.

Cross-examination of William P. Minton by J. M. Chivington continued:

Question. Will you state the time, as near as you are able, that this council was held, of which you have been speaking?

Answer. I can't tell the exact date; it was some time about the middle of November, 1864, or about two weeks before the attack on the Indians at Sand creek.

Question. At that time had you seen Field Orders No. 2, issued from headquarters department of Kansas by Major General Curtis, commanding, relating to the treatment of Indians by post commanders, &c.?

Answer. I don't know as I had; I saw it a few days after Major Anthony took command of Fort Lyon; I don't recollect of seeing it before that time; Major Anthony brought the first copy I saw.

Question. How many days after Major Anthony assumed command of Fort Lyon did you see Field Orders No. 2, department of Kansas? and did you see it before the council of which you have spoken?

Answer. I could not say how many days it was; I don't recollect whether I saw it before the council or not.

Question. What is your means of knowledge that Major Anthony brought copies of Field Orders No. 2, department of Kansas, to Fort Lyon, as you have stated?

Answer. I saw them after he brought them, and heard him say he brought them; I ought to know what he brought, I was adjutant at that time.

Question. You say that at the council between the officers at Fort Lyon and the Indians, it was agreed that the Indians should give the officers at Fort Lyon information of the approach of any hostile band of Indians, &c. Which hostile tribes were named?

Answer. Sioux.

Question. Were any other tribes of hostile Indians named besides the Sioux?

Answer. Kiowas are all I recollect of having been named besides the Sioux.

Question. Was all you have stated in regard to the council, as you have stated as coming from or being agreed to by the Indians, told to you by John Powers or related by John Smith, interpreter, as you have stated; and is John Powers or John Smith, interpreter, your only means of knowledge of what the Indians stated they would do?

answer. Through those two gentlemen was the only means of my knowledge that the Indians had said.

question. Can you name the persons who endeavored to impress upon Colonel Chivington the injustice of attacking the Indians' camp on Sand creek? If state them to the court.

answer. Most all the parties that were present; I could not name the parties.

question. Did Major Colley, Indian agent, or Major Anthony, take any part in the conversation to which you have alluded, as occurring between officers at Fort Lyon and Colonel Chivington, when the said officers attempted to impress upon Colonel Chivington's mind the injustice of attacking the Indians' camp on Sand creek? If yes, state what they said.

answer. I could not say whether either of them did or not, I did not notice.

question. You state that you cannot relate any of the conversation that occurred between the officers at Fort Lyon and Colonel Chivington, except what Colonel Chivington said; can you state anything else that Colonel Chivington said in the conversation to which you have alluded, besides that which you have stated?

answer. I did not hear anything else that I thought worth remembering.

Cross-examination of William P. Minton by J. M. Chivington closed.

Re-examination of William P. Minton. No questions asked.

Corporal JAMES ADAMS called in by the commission to give evidence. The oath being administered according to law, he (Adams) testified as follows:

Question. Your full name and occupation?

answer. James J. Adams; occupation a soldier, company C, veteran battalion of Colorado cavalry.

Question. How long have you been a soldier?

answer. Three years the 22d of last February.

Question. Where were you during the latter part of November, 1864?

answer. At Fort Lyon, I believe.

question. Did anything of an unusual character happen at Fort Lyon during the latter part of November, 1864? If so, state what it was.

answer. I think it was about that time the third regiment came down here, went out to Sand creek, and had a fight with the Indians there. I don't remember the dates exactly.

question. Were you present at that fight with the Indians?

answer. Yes.

question. State what you saw there?

answer. We left here in the night, I should judge about 8 or 9 o'clock, moved all night and came in sight of their stock on the prairie just about daylight. We went on a short distance further and came in sight of the village; when we got down to where we could get a good view of the village the command broke out so as to surround the village; our company at the time was acting as artillery; we had two pieces along, with mules attached to them; we were left behind in the run; our mules could not keep up with the pieces; finally we got to the village with our artillery. The cavalry were around on the different sides firing at the Indians; the Indians had left the village and taken to the banks of the creek; they got under the banks of the creek, I suppose, to keep out of the road as much as possible, within fifty yards or thereabouts. We were ordered to take a position with our guns; we were ordered to shell the Indians from under the banks above the village. We fired a few rounds from there, then we were ordered to change our position, and take a position further up the creek; took position further up the creek; used up all the ammunition we had and then had to draw off; we left here with only sixteen rounds to the gun; the ammunition wagon was back with the train. Stood around awhile, and

then were ordered into camp. I believe that is about all of importance that day, except there was an alarm about 9 or 10 o'clock that night by the guard.

Question. State where you went into camp, and how long you remained there.

Answer. We went into camp right in the upper end of the Indian village; we remained there two nights and one day.

Commission adjourned until 1½ p. m. this day.

One and a half p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

Direct examination of Corporal James J. Adams by the commission continued:

Question. What became of the Indians attacked on Sand creek by Colonel Chivington's command?

Answer. I believe that the most of them were killed, by what I could see; I believe some of them got away before we got there with our outfit.

Question. How many were killed?

Answer. I could not say; I saw a great many women and children that were killed.

Question. Was anything done to the Indians after they had been killed?

Answer. Scalped, I believe; I did not see any but what were scalped.

Question. By whom and at what time was the scalping done?

Answer. I suppose most of the scalping was done on the day of the fight. I saw some scalping done on the day after. I believe there was some done by officers of the third regiment, and men likewise.

Question. Give the names of those you saw scalping the dead Indians?

Answer. There was one person that they called Major. I suppose he belonged to the third regiment; he did not belong to the first. There was another officer there—I do not remember his rank—they called Richmond. No other officers that I remember of. There were some privates engaged in scalping, likewise, in the same party. I saw some men cutting the fingers off of dead Indians to get the rings off.

Question. Were any other officers than those you have mentioned present during the scalping and mutilation of the Indians?

Answer. I did not notice any.

Question. How far was this scalping you have mentioned done from the camp of Colonel Chivington's command?

Answer. I should judge it was about a mile and a quarter, or a mile and a half.

Question. How near the camp lay those Indians you saw, that had been scalped?

Answer. I saw some Indians lying right in the camp.

Question. Were any orders given to the command? If so, state what those orders were.

(John M. Chivington most respectfully objects to question, for the following reasons: That the witness has said that he stated all the orders, &c.; that it is improper and irregular to draw by piecemeal evidence from a witness introduced by the prosecution, after the witness has been requested by the court to tell, and has told, all he said he knew in regard to the matter.

Objections overruled by the commission.)

Answer. I don't recollect of hearing any orders at that time.

Question. Was anything done to prevent scalping and mutilating the Indians?

(John M. Chivington most respectfully objects to the question, for the following reasons: That it has not yet been shown by the witness that he knew what was or was not done, and that the court in asking the question is putting a position which has not been proven, and is irregular. That the question is leading, and may be answered in the affirmative or negative. That the witness being introduced by the court, and supposed to incline toward the prosecution, such questions are illegal and irregular.

Objections sustained by the commission.)

Question. Were any prisoners taken at Sand creek by Colonel Chivington's command?

Answer. I don't know. There was one person there, a half Indian, (John Smith's son,) whom I don't know whether he was taken prisoner or gave himself; likewise two squaws.

Question. What was done with these prisoners by the command?

Answer. They were stopping there in the encampment, in a lodge with John Smith, and the two women were sent from there to Fort Lyon. After we broke up there John Smith's son was shot there in the lodge.

Question. Do you know how John Smith's son was shot? If so, state what you know about it.

Answer. I don't know anything about that part of it, as I was not present at the time; I was not at the time within fifty yards of the lodge.

Direct examination of Corporal James J. Adams, company C, veteran battalion first Colorado cavalry, by the commission, closed.

Cross-examination of Corporal James J. Adams, by J. M. Chivington:

Question. You state that most of the Indians attacked by Colonel Chivington were killed; what is your means of knowledge for this statement? and why do you think some got away?

Answer. I simply state that some got away, because I saw some on the hill after the fight was over, in the afternoon. The most of the Indians I saw were dead—the largest portion of them. I saw a great many more dead ones than I did live ones.

Question. Is what you have stated your only means of knowledge for your statement that the most of the Indians attacked by Colonel Chivington were killed, and that some of the Indians got away?

Answer. Yes, I believe it is. I had but very little chance of seeing the Indians before the fight commenced, as we came in behind the command on account of our mules having given out.

Question. You state that you saw a great many women and children killed; did you see them at the time they were killed, and where did these women and children lie? Please state particularly.

Answer. I think the most of them I saw were after they were killed, before we got up there; they were lying under the bank, I should judge from a quarter to a half a mile above the village. There were some dead women lying in the camp; in the upper part of the camp there was one or two men lying, one of them within twenty yards of the edge of camp; the other one was lying out about one hundred yards from camp, on a sand bank in the bed of the creek.

Question. You say you did not see any Indians that were not scalped; how many Indians did you see, and where did they lie? Please state particularly.

Answer. I could not tell how many I saw; I did not count them; I noticed that in places they were lying pretty thick; one place in particular. They were lying under the bank on the bed of the creek, right at the foot of the bank. I should judge those were all about a quarter of a mile up the creek, above the village.

Question. When did you see these Indians—during or after the fight?

Answer. The morning after the fight.

Question. Do we understand that you state positively that all the Indians you saw were scalped, and that the Indians you saw mutilated were really scalped; might they not have been so mutilated by dogs, wolves, or other animals?

Answer. I don't hardly think that dogs or wolves would chew the scalp off and leave the body alone, although such a thing might be. I believe that all the Indians I saw were scalped, or in the act of being scalped.

Question. You state there were officers scalping; one they called Major, and one they called Richmond. Were these parties together when you saw them

scalping Indians, and how many were in the party, and how far were they from camp, and how many scalps did the party obtain?

Answer. Those officers were together; I couldn't tell exactly how many soldiers there were in the party besides those two officers. I should judge they were somewhere in the neighborhood of a mile and a quarter and a mile and a half from camp. I could not say how many scalps the party obtained.

Question. Did not the men who were cutting the fingers off the dead Indians for rings tell you that they were simply obtaining trophies, to preserve as reminiscences, to bequeath to their children, of the glorious field of Sand creek?

Answer. No, sir.

Question. You say that you saw some scalped Indians lying right in camp; state particularly what part of the camp those Indians were lying, and at what time they were scalped, during the fight or after it.

Answer. Those Indians I saw were right in the camp, or lay within twenty feet of the hospital tent, and another not over forty feet. I could not tell whether they were scalped before or after the fight. They were scalped when I first saw them, when we made camp.

Cross-examination of Corporal James J. Adams by J. M. Chivington closed.

Re-examination of Corporal James J. Adams:

No questions asked.

Commission adjourned until 9 a. m. to-morrow, April 5, 1865.

FORTY-FIRST DAY.

APRIL 5, 1865.

Commission met pursuant to adjournment. Present, all members and recorder.

On account of the inclemency of the weather, and the witness being unable to attend, the commission adjourned until 9 a. m. to-morrow, April 6, 1865.

FORTY-SECOND DAY.

APRIL 6, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of the fourth and fifth days of April read and approved.

Lieutenant C. M. COSSITT, veteran battalion first Colorado cavalry, called in by the commission to give evidence. The oath being administered, he (Cossitt) testified as follows:

Question. What is your full name and occupation?

Answer. Chauncy M. Cossitt, lieutenant United States army, acting assistant quartermaster, and acting commissary of subsistence at this post, (Fort Lyon.)

Question. How long have you been on duty at Fort Lyon?

Answer. Since May 1, 1864.

Question. Have you, since you have been on duty at Fort Lyon, attended any councils held by the military with the Indians? If so, state when, and what occurred there.

Answer. I have never been present at any council, except a few minutes—long enough to give any particulars in regard to the proceedings.

Question. Did anything unusual occur at Fort Lyon during the latter part of November, 1864? If so, state what it was.

Answer. There was an arrival of troops from up the country, (Denver or vicinity.) They were under the command of Colonel Chivington. They afterwards went out to fight the Indians. On the 28th of November, 1864, Colonel Chivington and his command (a portion of the first and third regiments) started for Sand creek, as they informed me, to fight the Indians.

Question. Did Colonel Chivington receive any re-enforcements and supplies at this post? If so, state what they were.

the balance; I think Captain Cook was there, but not sure. Colonel
ton was denouncing Major Wynkoop's previous course; Lieutenant
and myself were upholding him, (Major Wynkoop.) I stated to the
how we were situated here in regard to the Indians, and that the Indian
ter, a soldier, and a citizen, were there in the Indian camp by permission
Anthony, and said all I could to prevent the command going out there
Indians; told him Major Anthony had an Indian employed, who was
d to be there in the Indian camp, employed as a peace messenger. The
concluded the conversation by damning anybody in sympathy with

This, of course, was previous to the battle.

tion. Was that conversation, to which you have referred, the only one
with Colonel Chivington previous to the fight?

ver. It was the only one that related to Indians particularly. When he
ne in, I had a conversation with him in relation to forage and whiskey.

tion. Do you know how large a train, and the number of animals,
Chivington had in his command? If so, give the number.

ver. I do not exactly. When he first came in he told his brigade quar-
ter that he had better draw forage for fourteen hundred head; whether
uded his transportation stock I do not know; I tried to find out how
head of stock he had there, and neither of his quartermasters could tell
had three quartermasters.

tion. Give the names of the three quartermasters.

ver. J. S. Maynard, brigade quartermaster; he signed himself captain
valry of Colorado. D. B. Elliott, first lieutenant and regimental quar-
ter of the third regiment. Lieutenant Olney, battalion quartermaster,
valry of Colorado.

tion. Did you have any conversation with either of these officers in ref-
to their quartermaster business? If so, state what was said.

ver. I had a conversation with Elliott; he said they had got to have a
order to get even on their stores; that is all worth mentioning.

tion. Did the command again return to this post? If so, state what was

ver. They returned again to this post, drew more forage, received their
d stock and went on up the river towards Denver.

Question. By whom was the captured stock brought into the post?

Answer. By Lieutenant Antobe and a portion of his command.

Question. What disposition did Lieutenant Antobe make of this stock?

Answer. He mounted a portion of his command—I think about thirty men; I do not know what he did with the balance. Some of Antobe's men run off a portion of the stock. Lieutenant Hewitt, third regiment, caught them and recovered sixty-six head. Those sixty-six head were not turned over to me. Lieutenant Hewitt said that he recovered it on the Purgatory.

Question. At what time and from what direction did Lieutenant Hewitt arrive at this post with the captured stock?

Answer. I don't think I can give you the date; he came from above—up the Arkansas.

Question. Did Lieutenant Hewitt arrive here after Colonel Chivington's command?

Answer. Yes.

Question. Was forage drawn for the captured stock? If so, state in what quantity.

Answer. It was drawn for the time I had charge of it, fourteen pounds of hay per day to each animal; no corn; also for those that Hewitt brought down.

Question. Was all the captured stock remaining at Fort Lyon delivered to Captain Johnson?

(J. M. Chivington most respectfully objects to the question, for the following reasons: That the question is leading and can be answered by a negative or an affirmative; that there is no evidence before the court that any particular person received the stock at Fort Lyon; and interrogating the witness upon presumptions that Captain Johnson or any other person received all or part of the stock, is irregular and improper.

Objection sustained by the commission.)

Question. Why did you turn over the stock to Captain Johnson, third regiment?

(J. M. Chivington most respectfully objects to the question, for the following reasons: That it is not competent for the court to inquire into the reasons that prompted the action of a witness who has been introduced by the court on behalf of the prosecution, and who has stated, that he performed certain acts which he has stated to the court. This kind of examination is more particularly in the province of the defence or cross-examination.

Objection overruled by the commission.)

Answer. I turned it over by a verbal order of Major Anthony, post commander.

Question. Did Captain Johnson receipt to you for the stock?

(J. M. Chivington most respectfully objects to the question, for the following reason: That the question is leading, suggesting the answer required, and may be answered by a negative or an affirmative.

Objection sustained by the commission.)

Question. Did you receive from Captain Johnson anything to show that you had turned over the stock to him? If so, state what it was.

Answer. I received my memorandum receipt which I had given for the stock.

Question. Was any action taken by any party to obtain all the captured stock at Fort Lyon? If so, state what was done.

(John M. Chivington most respectfully objects to the question, for the following reasons: That the question is leading, and may be answered by a negative or an affirmative, and suggests the answer required; that it is incompetent for this court to inquire whether there was any action taken by any person or not, as it has not been shown that any neglect has been manifested by any person, and the conduct of every officer in this district is not, as we understand it, under

the administration or official scrutiny of the court; and if the court will decide on this objection that fact, we would be willing to waive all objections we have to the question, in order to bring under investigation acts of certain parties whom we will be compelled in all probability to prosecute for taking stock, &c.)

Commission adjourned until 1½ this p. m.

One and a half p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

Objection of J. M. Chivington to last question before adjournment overruled by the commission. The commission asks this question for the purpose of ascertaining what became of the captured stock, and what measures were taken by the officers to protect it for the benefit of the government, and not for the purpose of implicating or of prosecuting any officer to obtain the facts; and in overruling the objection of John M. Chivington, it does it for the purpose of obtaining the information desired and without reference to any particular officer or officers.

Direct examination of Lieutenant Chauncey M. Cossitt by the commission continued:

Answer. Captain Johnson, who was provost marshal, ordered his men to search about the post for captured stock, which they did.

Question. What was done with the stock captured by Captain Johnson?

(John M. Chivington most respectfully objects to the question for the following reasons: That there is no evidence before the court to show that the witness knew what became of the stock, or was in such a position that he could learn what became of it; therefore it is improper for the court to inquire of the witness regarding facts which they can only presume the witness knows, without first introducing evidence of his knowledge of such facts, in order to lay the foundation for such evidence as the court by their interrogatory seek to introduce.

Objection overruled by the commission.)

Answer. His men drove it away up the river.

Question. What quantity of forage did you issue to Colonel Chivington's command on his return to Fort Lyon?

Answer. I can't tell without referring to my books. It was issued in bulk.

Question. Can you furnish an exact statement of the amount issued both before and after the fight on Sand creek?

Answer. Yes. Before the fight I transferred fifty-four thousand two hundred and sixty-four pounds of corn; nineteen thousand one hundred and three pounds of hay. After the battle forty-two thousand three hundred and fifty-nine pounds of corn; one hundred and thirteen thousand six hundred and twenty-six pounds of hay. All receipted for by J. S. Maynard. That did not include the Fort Lyon battalion. They receipted for theirs separately.

Question. Did you see Colonel Chivington's command on its return from Sand creek?

Answer. I did.

Question. State its condition, when you saw it, in reference to the number of horses, men mounted, or on foot.

(John M. Chivington most respectfully objects to the question, for the following reasons: That the court has not shown that the witness has had any opportunity to learn the condition, &c., of the command, or that the witness knew anything of the command sufficient to give even an ordinary opinion. That the question for these reasons is irregular and improper, and it is not competent for the court, as we have insisted in many instances during this investigation, to presume a certain fact, and upon presumption inquire of the witness in regard to other facts.

Objection not sustained by the commission.)

Answer. As far as I was able to judge there was no material increase or de-

crease in the number of stock. There were more men mounted on ponies when they came back than when they went out.

Question. Did you have any conversation with any officer of Colonel Chivington's command on its return from Sand creek in reference to that affair? If so, state with whom, and what was said.

(J. M. Chivington most respectfully objects to the question, for the following reasons: That it is improper to introduce as evidence statements of officers or others in relation to matters that occurred at Sand creek or any other place; if the court wishes testimony in regard to the Sand creek affair the only testimony competent to prove any particular fact is that which should be obtained from an officer present at Sand creek, and he could only offer testimony of facts that came under his own observation. We have no objection to the witness stating what he knows of his own knowledge, but not what others state, not speaking under the binding obligations of an oath.

Objections overruled by the commission.)

Answer. I had but a few minutes' conversation with any one after their return, except with Major Anthony, and those that remained here afterwards. I don't remember enough about the conversations to repeat them.

Direct examination of Lieutenant C. M. Cossitt by the commission closed.

Cross-examination of Lieutenant C. M. Cossitt by J. M. Chivington:

Question. You state you had a conversation with Colonel Chivington in regard to the Indians, &c., and Major Colley, Indian agent, was present. Did Major Colley engage in that conversation of which you have spoken; and if so, what did he say?

Answer. He did engage in the conversation; he upheld Major Wynkoop's course; stated that the Cheyennes had been misunderstood, misrepresented, and ill-treated by Captain Parmeter and others.

Question. Did you ever hear Major Colley say that the Indians on Sand creek ought to be punished, &c., and state that he (Colley) was in favor of punishing them?

Answer. No.

Question. Can you give the names of any other persons who were present when you had the conversation with Colonel Chivington to which you have referred? If yes, state the names as near as you can, the time of the day and the month this conversation occurred, and in what part of Fort Lyon.

Answer. There were other persons in the room, but I cannot state positively who they were. As I said before, I think Captain Cook was there; also Evander Light. My impression is that there were others in the room, but I can't name them. The conversation occurred, I think, on the 28th of November, 1864, and about 9 o'clock in the evening. It may have been earlier in the evening. It was in my office.

Question. You state that you had a conversation with Lieutenant Elliot in regard to his business, and that he stated he had to have a fight to get even, &c.; was not this said in a jesting manner, and is not such talk often innocently engaged in by quartermasters or officers on duty as such?

Answer. I don't think he said it in a jesting manner; he seemed very anxious about the affair; he said he was horribly mixed up. I don't know but such talk is occasionally engaged in by quartermasters or officers acting as such.

Question. Was not Lieutenant Elliot laughing when he made the remark—they had to have a fight to get even, &c., and was he not in the habit of talking in a very loose manner, more in jest than in earnest?

Answer. I don't think he was laughing, and I am not well enough acquainted with him to know what his habits of conversation are. He did not appear in a laughing humor.

Question. You state that when the captured stock was brought in you made

a rough count of them, and made four hundred and fifty ponies, mules, &c.; might you not have been mistaken, and there have been less than that number brought in?

Answer. Yes. I said I made a rough count, but there would be apt to be more than less, when they were running past as I counted them. I think it was an under-estimate. I think it would exceed that number.

Question. Will you state about what you think the real number of ponies, mules, &c., was, and how it exceeded the number you made on what you call a rough count?

Answer. I did not say they exceeded that number; I said it would be apt to, as I counted them as they were driven past me.

Commission adjourned until 9 a. m. to-morrow, April 7, 1865.

FORTY-THIRD DAY.

APRIL 7, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of yesterday read and approved.

Cross-examination of Lieutenant C. M. Cossitt by J. M. Chivington continued:

Question. Who was present when you had the conversation with Lieutenant Elliott, as you have stated, when he said they would have a fight in order to get even?

Answer. J. S. Maynard, and several others. It was in the commissary building at Fort Lyon; it was on the 29th of November, 1864, after the command had gone out to Sand creek. I don't remember the time of day.

Question. You state that Lieutenant Autobee's men ran off some of the captured stock. What is your means of knowledge that Lieutenant Autobee's men ran off the stock as you have stated?

Answer. Their own acknowledgment (I think that the man that made it was a sergeant) and Lieutenant Hewitt's statement.

Question. Is what Lieutenant Hewitt and others told you the only means of knowledge you have of the capturing of the sixty-six head of stock, and the running of it off by Lieutenant Autobee's men?

Answer. It is.

Question. What is your means of knowledge that sixty-six head of stock were recovered by Lieutenant Hewitt, as you have stated?

Answer. I saw the stock; heard Lieutenant Hewitt's statement of the affair, and the acknowledgment of the men that drove it off.

Question. You state that fourteen pounds of hay were issued for the captured stock, &c. Do you know whether the stock received this fourteen pounds of hay, and whether your men issued the hay according to your direction?

Answer. I do. I saw it issued. I was short of help, and had to help do it myself.

Question. Did not Captain Johnson have a great deal of trouble in obtaining the captured stock at Fort Lyon?

Answer. He had no trouble with that portion I turned over to him. His men were some time in looking up the stock.

Question. Did you see Colonel Chivington's command when it started from Fort Lyon after Indians?

Answer. I did not see it at the time of its departure; I saw it a short time before.

Question. How long before its departure did you see it?

Answer. About two hours.

Question. Where was the command of Colonel Chivington when you saw it, before its departure after Indians, and were the men mounted?

Answer. In camp near Fort Lyon. The men were not mounted.

Question. How many times did you see Colonel Chivington's command, mounted or dismounted, before the fight?

Answer. Twice.

Question. How near Colonel Chivington's command were you the first time you saw it?

Answer. About two hundred yards, as it passed in column.

Question. Did you see the entire command, or were you not engaged in other duties some of the time, while it was passing?

Answer. I saw the entire command except stragglers—all they had in their column.

Question. The last time you saw Colonel Chivington's command, was it light? You say you saw it two hours before its departure after Indians.

Answer. Yes.

Question. Is what you have stated your only means of knowledge that more men of Colonel Chivington's command, after the fight with the Indians, on their return to Fort Lyon, were mounted on ponies than when they started from Fort Lyon?

Answer. It is.

Question. Did you have, or if you had, did you improve your opportunities for learning how many ponies there were in Colonel Chivington's command before it started from Fort Lyon after Indians?

Answer. The only opportunities I had was good eye-sight and a fair position, which I improved.

Question. Your answers appear to show a great deal of hilarity on your part. Will you please state whether we are to understand all that you state in regard to this serious subject is to be taken in the same jocular manner?

(Objection to the question by Lieutenant Colonel S. F. Tappan, president of commission.)

It does not, or has not appeared to the undersigned that the witness has shown any great degree of hilarity in answering interrogations, as intimated by the last question. A little pleasantry has been occasionally indulged in, when the question appeared a little ambiguous, but as soon as sufficiently explained, in a manner to be understood, and in many instances changed by the attorney for John M. Chivington, they have been answered directly and promptly by the witness, and therefore I object to the question.

SAM. F. TAPPAN,
President of Commission.

Objection sustained by the commission.)

Cross-examination of First Lieutenant C. M. Cossitt, by J. M. Chivington closed.

Re-examination of First Lieutenant C. M. Cossitt:

No questions asked.

Commission adjourned until 1½ p. m. this day.

One and a half p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

Commission adjourned until 9 a. m. to-morrow.

FORTY-FOURTH DAY.

APRIL 8, 1865.

Commission met pursuant to adjournment. Present, all members and recorder.

Proceedings of yesterday read and approved.

Documents, marked in red letters F, G, and H, (being Major Wynkoop's reports,) read to the commission, and adopted as a part of the record.

Commission adjourned at Fort Lyon, Colorado Territory, this day, to meet again at Denver, Colorado Territory, on the 17th instant, or as soon thereafter practicable.

FORTY-FIFTH DAY.

DENVER, C. T., *April 20, 1865.*

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

Proceedings of the forty-fourth day (April 8, 1865) read and approved. The commission, not being ready to examine witnesses this afternoon, adjourned until 9 a. m. to-morrow, April 21, 1865.

FORTY-SIXTH DAY.

APRIL 21, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of yesterday read and approved. Commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

Commission adjourned until 9 a. m. to-morrow, April 22, 1865.

FORTY-SEVENTH DAY.

APRIL 22, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of yesterday read and approved. Commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

Commission adjourned until 9 a. m. Monday, April 24, 1865.

FORTY-EIGHTH DAY.

APRIL 24, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of Saturday, April 22, read and approved. Commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

Captain Silas S. Soule, veteran battalion first Colorado cavalry, having (while the performance of his duty as provost marshal) been assassinated in the streets of this city, the commission, in respect to the memory of the deceased, adjourned until 9 a. m. to-morrow, April 25, 1865.

FORTY-NINTH DAY.

APRIL 25, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of yesterday read and approved. The following communication received and read to commission :

DENVER, C. T., *April 25, 1865.*

To the President and members of military commission, &c. :

I would most respectfully notify the court that I will file objections to the admission of reports, affidavits, &c., relating to Major Wynkoop's expedition to the Smoky Hill, &c.

J. M. CHIVINGTON,
Late Colonel First Colorado Cavalry.

Captain C. L. GORTON, assistant quartermaster, called in by the commission to give evidence.

The oath being administered according to law, he (Captain Gorton) testified as follows :

Question. Your full name and rank in the army ?

Answer. Cyrus L. Gorton, assistant quartermaster United States volunteers. On duty as assistant quartermaster at Denver.

Question. How long have you been on duty in Denver ?

Answer. Since the middle of last September.

Question. Whom did you relieve as quartermaster at Denver ?

Answer. Captain Lenden Mullen, assistant quartermaster United States volunteers.

Question. Did you receive from him any public property ? If so, state what it was.

Answer. I received some clothing, camp and garrison equipage, and quartermaster stores.

Question. How many public horses did you receive from him ? Were they branded, and what disposition did you make of them ?

(John M. Chivington most respectfully objects to the question for the following reasons : That that portion of question referring to the branding of the horses is irrelevant, and not pertinent to the subject-matter of the investigation.

Objection sustained by the commission.)

Question. Have any mounted troops been equipped by you since you have been on duty in Denver ? If so, state who they were.

Answer. The first, second, and third regiments were partially equipped by me.

Question. What did you furnish the third regiment ?

Answer. I furnished them with clothing, camp and garrison equipage, and quartermaster stores.

Question. Did you furnish them any horses ? If so, state the number, and to whom delivered.

Answer. I did furnish them horses. To First Lieutenant D. P. Elliot, regimental quartermaster, three hundred and thirty-six horses ; Captain W. H. Morgan, company C, four horses ; Captain F. G. Cree, company H, three horses ; First Lieutenant J. A. Fry, company F, ten horses.

Question. Of whom did you procure the horses furnished the third regiment ?

Answer. Some I purchased, and part I received from Captain Mullen.

Question. How many did you receive from Captain Mullen ?

Answer. Two hundred and thirty ; some of them were unserviceable.

Question. State the condition of those horses you received from Captain Mullen and turned over to the third regiment ?

Answer. Those turned over to the third regiment were issued as serviceable.

Question. At what time did you turn over the horses to the third regiment ?

Answer. In the months of September, October, November, and December, 1864 ; but three were turned over in December.

Question. How long after these horses were turned over by you did the third regiment remain in the public service ?

Answer. The regiment was mustered out in December, 1864, I believe.

Question. State the condition of the horses purchased and turned over by you to the third regiment ?

Answer. They were mostly very good horses. The horses were inspected and received by the colonel first, the lieutenant colonel second, and afterwards by the major, of the third regiment.

Question. Give the names of the officers who inspected these horses ?

Answer. Colonel George L. Shoup, Lieutenant Colonel L. L. Bowen, and Major W. F. Wilder.

Q. Were these officers appointed to inspect horses? If so, by whom.
 A. They were appointed by Colonel Chivington, commanding district.
 Q. What some officer be appointed to inspect them, because the purchase
 was irregular, and I had no authority from the Cavalry Bureau to pur-
 chase horses.

Q. Did you purchase the horses by contract, or in open market?

A. In open market.

Q. When you turned over these horses to the third regiment were they,
 they not, branded or otherwise marked so as to be known as govern-
 ment horses?

A. Chivington most respectfully objects to the question, for the following
 reasons: That the question is leading, and can be answered by a negative or an
 affirmative; that the fact of their (the horses) being branded at the time Captain
 turned them over to the third regiment is immaterial to the issue; that the
 mode of interrogating a witness in regard to his duties, their correct per-
 formance, &c., is novel, to say the least. We object to the court interrogating
 introduced by themselves in such a manner that a negative answer
 would make the witness liable for neglect of duty, and so framing their questions
 that the witness is always instructed what answer is required.

(Motion sustained by the commission.)

Q. What disposition was made of the horses on the muster out of the
 regiment?

A. I cannot say what disposition was made of all of them.

Session adjourned until 2 p. m. this day.

M.—Commission met pursuant to adjournment. Present, all members
 present.

Members of the commission having been requested to assist in making
 arrangements for the funeral of the late lamented Silas S. Soule, commission
 adjourned until Thursday morning, April 27, 1865, at 9 o'clock.

FIFTIETH DAY.

APRIL 27, 1865.

Session met pursuant to adjournment. Present, all members and recorder.
 Minutes of yesterday read and approved.

Examination of Captain C. L. Gorton, assistant quartermaster United
 States volunteers, by the commission, continued:

Q. How many of the horses you received from Captain Mullen were
 unserviceable?

A. Chivington most respectfully objects to the question for the following
 reasons: That it has not been shown that any of the unserviceable horses re-
 ceived by Captain Mullen, if any were received, were turned over to officers
 of the third regiment, or any other regiment, and that the question is therefore
 immaterial and not pertinent to the subject-matter of the investigation; that all
 regiments have more or less unserviceable horses, &c., in their possession,
 and it is competent for this court to inquire only in regard to stock used
 by the officers of the third regiment, or others who were on duty in this
 connection. Giving it the most liberal interpretation the court has placed upon these
 facts. That the question is leading, and for that reason, also, is im-

(Motion overruled by the commission.)

A. One hundred and ten.

Q. State what you know concerning the disposition made of the horses
 of the third regiment, or any portion of them.

A. Chivington most respectfully objects to the question for the follow-

ing reasons: That the witness has stated all he knew on that point; that it has not been shown that the witness knew what disposition was made of the horses, and is therefore improper; that the question is leading, and therefore improper.

Objection overruled by the commission.)

Answer. A portion of them were turned over to me.

Question. How many, and by whom were they turned over to you?

(John M. Chivington most respectfully objects to the question for the following reasons: The witness has stated all he knew in regard to the number of horses turned over, &c., and it is therefore irrelevant and improper; that the question is leading and should not be proposed by the party introducing the witness; that the question is improper for the reason that, according to the orders by which the court should be guided, the question does not pertain to the subject-matter of this investigation.

Commission rooms were cleared for private discussion.

Rooms again opened.

Objection overruled by the commission.)

Answer. I received from Lieutenant Elliot, regimental quartermaster, four hundred and sixty-five horses; from Lieutenant Colonel Bowen, one horse; from Colonel Shoup, one horse; from Captain Nichols, one horse; from Captain Talbot, four horses; from Captain Phillips, one horse; from Captain Cree, one horse; from Captain McDonald, two horses; from Captain Morgan, four horses; from Lieutenant Fry, twenty-four horses; from Lieutenant De La Mar, eighteen horses; from Lieutenant Elliot, regimental quartermaster, ninety-five captured ponies. That is all, I believe.

Question. Did you receive any other property than that mentioned, reported as captured from the Indians?

Answer. I did not from any member of the third regiment.

Question. Did you from any other person? If so, state what it was, and from whom received.

Answer. I did, from government detectives, ponies and two small mules. I cannot tell exactly how many ponies now.

Question. Can you furnish this commission with a statement of the number of ponies so received?

Answer. I can, by referring to my accounts.

Commission adjourned until 2½ o'clock p. m. this day.

Two and a half o'clock p. m.—Commission met pursuant to adjournment. Present, all the members and the recorder.

The following communication was received and read to the commission:

To the president and members of the military commission sitting in Denver, C. T.:

I would most respectfully represent that one Clark Dunn, late a lieutenant in the first cavalry of Colorado, is a material witness for me in my defence, and that the said Clark Dunn is about to leave this Territory for the States, and that I would most respectfully request this commission to take the evidence of the said Dunn this afternoon, that we may not entirely lose it. Said Dunn is to leave in to-morrow morning's coach.

Yours respectfully,

J. M. CHIVINGTON,
Late Colonel First Cavalry of Colorado.

DENVER, C. T., April 27, 1865.

Commission decided to postpone the further examination of Captain Gorman upon the application of J. M. Chivington, and proceeded to take the deposition of Lieutenant Clark Dunn, a witness for the said Chivington, to be made a part of the proceedings of this commission.

session adjourned at 5½ o'clock p. m., to meet again to-morrow April 28, 6 o'clock a. m.

FIFTY-FIRST DAY.

APRIL 28, 1865.

session met pursuant to adjournment. Present, all the members and the

session adjourned until 2 o'clock p. m. this day.

clock p. m.—Commission met pursuant to adjournment. Present, all members and the recorder.

Minutes of yesterday were read and approved.

Examination of Captain C. L. Gorton by the commission continued:

Q. How many ponies did you receive from government detectives?

A. Ninety-three.

Examination of Captain C. L. Gorton, assistant quartermaster, by the commission, closed.

Examination of C. L. Gorton, assistant quartermaster, by J. M. Chivington.

Q. You state that one hundred and ten of the horses received from Mullen, assistant quartermaster, were unserviceable; what are your reasons for this knowledge?

A. By my own observation, and they were so transferred by Captain

Examination of Captain C. L. Gorton, assistant quartermaster United States volunteers, by J. M. Chivington, closed.

Examination of Captain C. L. Gorton, United States volunteers. Questions asked.

Following objection of J. M. Chivington to the admission of the reports, &c., of Major E. W. Wynkoop, as part of the record, received and admitted:

Following described affidavits and reports having been introduced as evidence before the commission convened in pursuance of Special Order No. 23, Military Department of Colorado, dated Denver, Colorado Territory, February 15, 1865, of which Lieutenant Colonel S. F. Tappan, veteran battalion first cavalry, is president, to wit:

Affidavit of Major Wynkoop, first cavalry of Colorado, to his excellency John W. Evans, Governor Colorado Territory, dated September 18, 1864, signed by Major Wynkoop;

Affidavit of Major Wynkoop, first cavalry of Colorado, commanding Fort Lyon, Military Department of Kansas, dated October 8, 1864, signed by Major Wynkoop, &c.;

Order letter to Colonel Ford, commanding district upper Arkansas, dated January 15, 1865 signed by Wynkoop, &c.;

Affidavit of John Smith, United States Indian interpreter, dated January 15, 1865, signed by John Smith;

Affidavit of Captain R. A. Hill, first New Mexico volunteer infantry, dated January 16, 1865, signed by Captain Hill;

Affidavit of Lieutenant James D. Cannon, first New Mexico volunteer infantry, dated January 16, 1865;

Affidavit of second Lieutenant W. P. Minton, first New Mexico volunteer infantry, and Lieutenant C. M. Cossitt, first Colorado cavalry, dated January 16, 1865;

;

Affidavit of private David Louderback, first cavalry of Colorado, and R. W. Clark, citizen, dated January 16, 1865, signed by D. H. Louderback and R. W. Clark ;

Affidavit of Samuel G. Colley, United States Indian agent, dated January 27, 1865, signed by S. G. Colley ;

I would most respectfully object to their introduction as evidence, for the following reasons :

That the reports and report or letter of Major Wynkoop, of the first cavalry of Colorado, are ex parte and irregular, not being such evidence as could be introduced before any properly constituted court to establish any fact whatever. That Major Wynkoop, first cavalry of Colorado, testified before this commission after the reports and letter were made, and related to the court all his knowledge of the subject-matter of these reports and letter or report, and that is the only evidence the commission can legally receive.

That the affidavits of R. W. Clark, a citizen, John Smith, Indian interpreter, S. G. Colley, Indian agent, and Captain Hill, first New Mexico volunteers infantry, are ex parte and illegal, and should not be received as evidence, being a violation of that rule of law guaranteed by the Constitution, "that the accused shall be allowed to meet his accuser face to face." That by the introduction of affidavits as evidence I am deprived of my right of cross-examination, which is the only protection I have against the malicious perjurer and the designing villain.

That during the sitting of this commission at Fort Lyon, Colorado Territory, Captain Hill, first New Mexico infantry, was at Fort Lyon, and his evidence, if deemed material, could have been taken by this commission.

That the affidavits of James D. Cannon, lieutenant first New Mexico volunteer infantry, the affidavit of Lieutenant W. P. Minton, first New Mexico volunteer infantry, Lieutenant C. M. Cossitt, first cavalry of Colorado, and the affidavits of private David Louderback, first cavalry of Colorado, are ex parte and illegal, and not such evidence as should be received to prove any fact in issue on a trial before a legally constituted tribunal.

That all the parties appeared at this commission were sworn, and testified all they knew in regard to the subject-matter of these affidavits ; that this is the best evidence, and that affidavits should not be introduced as evidence under any circumstances to prove a fact in issue, but particularly after the party seeking to introduce such affidavits have introduced the parties themselves, and obtained all their evidence in relation to the subject-matter of the investigation.

Rooms cleared for private discussion.

Commission adjourned until 9 a. m. to-morrow, April 29, 1865.

FIFTY-SECOND DAY.

APRIL 29, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

To enable the members of the commission to examine district records, to obtain documents necessary in the investigation of late Indian difficulties, &c., the commission adjourned until Monday 9 a. m., May 1, 1865.

FIFTY-THIRD DAY.

MAY 1, 1865.

Commission met pursuant to adjournment. Present, all members and recorder.

Proceedings of fifty-second day, April 29, 1865, read, amended as follows, and approved : In both the forenoon and afternoon proceedings to read, Present, a majority of the commission.

The following copies of official documents received, read, and ordered to be made a part of the record:

[General Field Order No. 1.]

HEADQUARTERS DISTRICT OF COLORADO,
Camp Fillmore, near Boomeville, November 23, 1864.

The following are announced as on the staff of the colonel commanding, during the campaign against the Indians: Dr. T. J. Leas, surgeon-in-chief of volunteers, aide-de-camp; Major J. Downing, first cavalry of Colorado, inspector; Captain J. S. Maynard, first cavalry of Colorado, acting assistant adjutant general and acting assistant quartermaster; Captain J. I. Johnson, third cavalry of Colorado, provost marshal; Lieutenant J. S. Boyd, third cavalry of Colorado, acting assistant commissary of subsistence; Captain A. J. Gill, Colorado militia, volunteer aide-de-camp.

By order of J. M. Chivington, colonel first cavalry of Colorado, commanding first Indian expedition:

J. S. MAYNARD,
Acting Assistant Adjutant General.

HEADQUARTERS DISTRICT OF THE PLAINS,
Denver, Colorado Territory, April 28, 1865.

Official copy:

GEO. F. PRICE,
Acting Assistant Adjutant General, District of the Plains.

[General Field Order No. 2.]

HEADQUARTERS DISTRICT OF COLORADO,
Camp in Field, near Fort Lyon, November 28, 1864.

I. Hereafter, no officer will be allowed to leave his command without the consent of the colonel commanding, and no soldier without a written pass from his company commander, approved by the commander of his battalion.

II. No fires will be allowed to burn after dark, unless specially directed from these headquarters.

III. Any person giving the Indians information of the movements of troops will be deemed a spy and shot to death.

By order of J. M. Chivington, colonel first cavalry of Colorado, commanding first Indian expedition:

J. S. MAYNARD,
Acting Assistant Adjutant General.

HEADQUARTERS DISTRICT OF THE PLAINS,
Denver, Colorado, April 28, 1865.

Official:

GEO. F. PRICE,
Acting Assistant Adjutant General.

HEADQUARTERS DISTRICT OF COLORADO, IN THE FIELD,
Cheyenne country, South Bend Big Sandy, November 29, 1864.

Major General S. R. CURTIS, *Department of Kansas, Fort Leavenworth:*

In the last ten days my command has marched three hundred miles, one hundred of which the snow was two feet deep. After a march of forty miles last night, I at daylight this morning attacked Cheyenne villages of one hundred and thirty lodges, from nine to ten hundred warriors strong, killed chiefs Black Kettle,

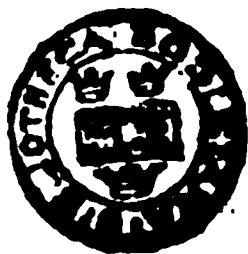
White Antelope, Knock Kno, and Little Robe, and between four and five hundred other Indians, and captured many ponies and mules. Our loss nine killed, thirty-eight wounded. All did nobly. Think I will catch some more of them. Eighty miles on Smoky Hill, found white man's scalp, not more than three days' old, in one of the lodges.

J. M. CHIVINGTON,
Colonel Comd'g District of Colorado, and first Indian Expedition.

HEADQUARTERS DISTRICT OF THE PLAINS,
Denver, Colorado Territory, April 28, 1865.

Official copy :

GEO. F. PRICE,
Acting Assistant Adjutant General, District of the Plains.



HEADQUARTERS DISTRICT OF COLORADO,
Denver, December 16, 1854.

GENERAL: I have the honor to transmit the following report of operations of the Indian expedition under my command, of which brief notice was given you by my telegram of November 29:

Having ascertained that the hostile Indians had proceeded south from the Platte, and were almost within striking distance of Fort Lyon, I ordered Colonel George L. Shoup, third regiment of Colorado volunteer cavalry, (100-days service,) to proceed with the mounted men of his regiment in that direction. On November 20th I left Denver, and at Booneville, Colorado Territory, on the 24th of November, joined and took command in person of the expedition, which had been increased by battalion first cavalry of Colorado, consisting of detachments of companies C, E, and H. I proceeded with the utmost caution down the Arkansas river, and on the morning of the 28th instant arrived at Fort Lyon, to the surprise of the garrison of that post. On the same evening I resumed my march, being joined by Scott J. Anthony, first cavalry of Colorado, with one hundred and twenty-five men of said regiment, consisting of detachments of companies D, G, and K, with two howitzers.

It may perhaps be unnecessary for me to state that I captured no prisoners; between five and six hundred Indians were left dead upon the field. About five hundred and fifty ponies, mules, and horses were captured and all their lodges were destroyed, the contents of which have served to supply the command with an abundance of trophies, comprising the paraphernalia of Indian warfare and life. My loss was eight killed on the field and forty (40) wounded, of which two have since died. * * * Of the effects of the punishment sustained by the Indians you will be the judge. Their chiefs, Black Kettle, White Antelope, One-Eye, Knock Kno, and Little Robe, were numbered with the killed and their bands almost annihilated.

I am, general, very respectfully, your obedient servant,

J. M. CHIVINGTON,
Colonel First Cavalry of Colorado, Comd'g District of Colorado.
Major General S. R. CURTIS,
Commanding Department of Kansas, Fort Leavenworth, Ks.

HEADQUARTERS DISTRICT OF THE PLAINS,
Denver, Colorado, May 1, 1865.

A true copy :

GEO. F. PRICE,
Acting Assistant Adjutant General

[By telegraph.]

HEADQUARTERS DISTRICT OF COLORADO,
Denver, December 7, 1864.

FOR JOHN EVANS,

Care National Hotel, Washington, D. C.

I fought with Cheyennes about forty miles north of Fort Lyon. I lost nine and thirty-eight wounded; killed five hundred Indians; destroyed one and thirty lodges; took five hundred mules and ponies; marched three hundred miles in ten days—snow two feet deep for one hundred miles—and still I am here.

J. M. CHIVINGTON,

Colonel Comd'g District of Colorado and First Indian Expedition.

HEADQUARTERS DISTRICT OF THE PLAINS,
Denver, Colorado, April 30, 1865.

True copy :

GEO. J. PRICE, A. A. A. G.

The following are copies of reports of John Evans, governor of Colorado Territory, to the Commissioner of Indian Affairs, Washington, D. C., 1864, in relation to Indian difficulties in Colorado Territory :

[Extract.]

COLORADO SUPERINTENDENCY OF INDIAN AFFAIRS,
Denver, C. T., October 15, 1864.

In compliance with the regulations of the Department of the Interior for the honor of making the following report :

* * * * *

While a general Indian war was inevitable, it was dictated by sound policy, justice, and humanity that those Indians who were friendly, and disposed to do so, should not fall victims to the impossibility of soldiers discriminating between them and the hostile, upon whom they must to do any good, inflict the severe chastisement. Having procured the consent of the department to place the friendly Indians of the plains at places of safety, by a telegraphic message reading as follows : " Act according to your best judgment with regard to friendly Indians, but do not exceed the appropriations"—I issued a proclamation, and sent it by special messengers and through every practicable channel of communication, to all the tribes of the plains.

The following is a copy of the proclamation :

COLORADO SUPERINTENDENCY OF INDIAN AFFAIRS,
Denver, June 27, 1864.

to friendly Indians of the plains :

Agents, interpreters, and traders will inform the friendly Indians of the plains that some members of their tribes have gone to war with the white people. They steal stock and run it off, hoping to escape detection and punishment. In some instances they have attacked and killed soldiers and murdered peace-citizens. At this the great father is angry, and will certainly hunt them out, and punish them. But he does not want to injure those who remain friendly to the whites. He desires to protect and take care of them. For this reason I direct that all friendly Indians keep away from those who are at war, and go to places of safety.

Friendly Arapahoes and Cheyennes belonging on the Arkansas river will go to Major Colly, United States Indian agent at Fort Lyon, who will give them provisions and show them a place of safety.

Friendly Kiowas and Comanches will go to Fort Larned, where they will be cared for in the same way.

Friendly Sioux go to their agent at Fort Laramie for directions.

Friendly Arapahoes and Cheyennes of the Upper Platte will go to Camp Collins, on the Cache la Poudre, where they will be assigned a place of safety, and provisions will be given them.

The object of this is to prevent friendly Indians from being killed through mistake; none but those who intend to be friendly with the whites must come to these places. The families of those who have gone to war with the whites must be kept away from among the friendly Indians.

The war on hostile Indians will be continued until they are all effectually subdued.

JOHN EVANS,

Governor of Colorado Territory and Superintendent of Indian Affairs.

* * * * *

As I learned that Major Wynkoop, who was in command of Fort Lyon, had gone on an expedition to the Indian camp at the Bunch of Timbers, I directed agent Colley to await the result. Upon the major's return to Fort Lyon from this expedition, he reported the result of his visit to the Indians, a copy of which, marked R, is forwarded herewith.

As proposed in his report, the major brought the chiefs and headmen to Denver, and I held an interview with them on September 28, in the presence of Colonel Chivington, commanding the district of Colorado; Colonel Shoup, of the third Colorado cavalry; Major Wynkoop, and a number of the military officers; John Smith, the interpreter; agent Whitely, and a number of citizens.

They were earnest in their desire for peace, and offered to secure the assent of their bands to lay down their arms, or to join the whites in the war against the other tribes of the plains. They stated that the Kiowas, Comanches, Apaches, and fourteen different bands of the Sioux, including the Yanktonais and other bands from Minnesota, and all of those of the northern plains, were among the strong forces on the war path; that the Sioux were very hostile and determined against the whites. They stated that the chiefs of their bands had been opposed to the war, but they had been overpowered by the influence of their young men.

* * * * *

I advised them to make immediate application to the military authorities for and to accept the terms of peace they might be able to obtain, and left them in the hands of Major Wynkoop, who took them back to Fort Lyon. I have since learned that about four hundred of their tribes have surrendered and are now at Fort Lyon.

JOHN EVANS,

*Governor of Colorado Territory, and ex officio
Superintendent of Indian Affairs.*

* * * * *

COLORADO SUPERINTENDENCY OF INDIAN AFFAIRS.

Denver, July 12, 1864.

SIR: I enclose for your instruction copy of letter received from the Department of the Interior.

While a literal compliance with the suggestion that the Indians should be

acted about the Buffalo range may be impracticable on account of the presence of hostile Indians, yet so far as possible you will act in compliance therewith, avoid any great outlay on their account. I send by Colonel Chivington a thousand dollars on account of Cheyenne and Arapahoe treaty stipulations, with which to provide means to feed those tribes, as they come in on my post.

You will be careful to keep a separate account of the money expended for the tribe.

Your obedient servant,

JOHN EVANS,
Governor and Superintendent Indian Affairs.

Major S. G. COLLEY,
United States Indian Agent, Fort Lyon, Colorado Territory.

FORT LYON, COLORADO TERRITORY,
Sunday, September 4, 1864.

DEAR SIR: Two Cheyenne Indians and one squaw have just arrived at this post. They report that nearly all of the Arapahoes, most of the Cheyennes, and two large bands of Ogallala and Brule Sioux are encamped near the mouth of Timbers, some eighty to one hundred miles northeast of this place; they have sent runners to the Comanches, Apaches, Kiowas, and Sioux, requesting them to make peace with the whites. They brought a letter purporting to be signed by Black Kettle and other chiefs, a copy of which is herewith enclosed. They say the letter was written by George Bent, a half-breed son of W. Bent, late United States Indian agent for this agency. They also state that the Indians have seven prisoners; one says four women and three children; another states three women and four children.

Major Wynkoop has put these Indians in the guard house, and requested that they be well treated, in order that he may be able to rescue the white prisoners from the Indians.

Very respectfully, your obedient servant,

S. G. COLLEY,
United States Indian Agent, Upper Arkansas.

Colon. JOHN EVANS,
Superintendent Indian Affairs.

CHEYENNE VILLAGE, *August 29, 1864.*

WE: We received a letter from Bent, wishing us to make peace. We held council in regard to it; all came to the conclusion to make peace with you, asking you make peace with the Kiowas, Comanches, Arapahoes, Apaches, and Sioux. We are going to send a messenger to the Kiowas and to the other tribes about our going to make peace with you. We heard that you have some prisoners at Denver; we have some prisoners of yours which we are going to give up, providing you give up yours. There are three war parties yet, and two of Arapahoes; they have been out some time and expected in. When we held this council there were a few Arapahoes and Sioux present. We want true news from you in return. (That is a letter.)

BLACK KETTLE and other Chiefs.

Major COLLEY.

Session adjourned until 2 p. m.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

The objection filed by J. M. Chivington against the receipt as evidence of the reports of Major Wynkoop, with accompanying affidavits, is overruled by the commission, on the grounds that the said reports and affidavit were made officially by Major Wynkoop, and are consequently a matter of record in the office of the Departments of War and Interior. Major Colley, Indian agent, John Smith, and R. H. Clark, are out of the Territory; their appearance before this commission cannot be procured. Those affidavits of these persons as evidence, and the report of Major Wynkoop, is the only evidence we can get from these parties, and therefore they are made a portion of this record.

DENVER, C. T., *May 1, 1865.*

GENTLEMEN: We would most respectfully request your honorable court to adjourn till next Thursday, for the following reasons:

1. That not knowing what we had to defend till the close of the testimony on behalf of the government, we wish time to arrange our testimony and give the names of the witnesses to the court to be summoned, that we may require to explain, notify, and deny the testimony offered against us by the government.

2. That the time we ask, for the purpose of properly arranging our testimony, we think, will be a sufficient economy of time to amply repay the court in granting it, reducing the time and labor required for our defence one-half.

3. That the testimony taken on behalf of the government will, as the court can clearly see, require at least the time we ask to properly examine.

Respectfully, yours,

J. M. CHIVINGTON,
Late Colonel First Cavalry of Colorado.

The PRESIDENT AND MEMBERS

of the Military Commission convened at

Denver, C. T., in pursuance of Special Order

No. 23, District Headquarters, Colorado, &c.

Commission adjourned until to-morrow at 9 o'clock a. m., May 2, 1865.

FIFTY-FOURTH DAY.

MAY 2, 1865.

Commission met pursuant to adjournment. Present, all members and recorder.

Proceedings of yesterday read and approved.

The following official copy of telegram having been omitted in the proceedings of yesterday, is here inserted, and is as follows:

[By telegraph.]

HEADQUARTERS DISTRICT OF COLORADO,

Denver, August 18, 1864.

Major CHARLOTT, C. S., A. A. G., *Fort Leavenworth, Dep't of Kansas:*

Have honor to report that Indians all around us; all troops out after guerrillas; six (6) of these caught and killed. Hundred-days regiment will fill up in ten days, perhaps. Utes are threatening; have proclaimed martial law, and are preparing for defence as fast as I can. Have large numbers of negroes here; can easily raise a company for hundred days—most likely two or three; can I do it? Needed immediately for defence against Indians.

J. M. CHIVINGTON,
Colonel Commanding District.

HEADQUARTERS DISTRICT OF THE PLAINS,
Denver, Colorado, April 30, 1865.

A true copy:

GEO. F. PRICE, A. A. A. G.

The request of J. M. Chivington is granted, and the commission adjourned til Thursday, May 4, 1865, at 9 o'clock a. m.

FIFTY-FIFTH DAY.

MAY 4, 1865.

Commission met pursuant to adjournment. Present, all members and reader.

Proceedings of yesterday read and approved.

The following copies of official documents presented by J. M. Chivington to come a part of the record, as a portion of his defence in the matter of investigation:

[General Field Order No. 2.]

HEADQUARTERS DEPARTMENT OF KANSAS,
In the field, Fort Larned, July 31, 1864.

I. At all military posts or stations west of the Kansas and Nebraska settlements in this department, stockades or abattis enclosures must be made for the crops and stock, and animals must be kept in such enclosures at night, and never herded during the day without distant and careful pickets, who can give warning of approaching enemies in time to preserve the stock from surprise.

II. Indians and their allies, or associates, will not be allowed within the forts except blindfolded, and then they must be kept totally ignorant of the character and number of our forces. Neglect of this military concealment will be followed by the most severe and summary punishment.

Commanders of forts and stations will furnish scouts according to their best judgments, keeping in view the safety of their own posts, the stage or public property to be guarded and the preservation of the horses. These precautions must not be relaxed without permission of the commander of the department, and all officers, of whatever grade, will report promptly to the nearest and most available assistance, and to district and department headquarters any patent neglect of this order, or any palpable danger to a command.

The industry and skill displayed by Lieutenant Ellsworth and the troops under his command, in the erection of a block-house and other protection for troops and animals, at Smoky Hill crossing, deserve special commendation, while the negligence exhibited elsewhere, especially at this post, while under former commander, is deprecated and denounced.

By command of Major General S. R. Curtis:

JOHN WILLIAMS,
Assistant Adjutant General.

[Pacific Telegraph Company.]

FORT LEAVENWORTH, *April 8, 1864.*

Colonel J. M. Chivington:

I hear that Indians have committed depredations on or near Platte river. Do not let district lines prevent pursuing and punishing them. Give Colonel Hens and General Mitchell your full co-operation, and any information you can. You can furlough veterans, but give them government transportation.

S. R. CURTIS, *Major General.*

A true copy:

CHARLES WHEELER.
First Lieut. and A. A. A. General, Dist. of Colorado.

[Pacific Telegraph Company.]

FORT LEAVENWORTH, *May 30, 1864.**To Colonel Chivington :*

Some four hundred (400) Cheyennes attacked Lieutenant Clayton on Smoky Hill. After several hours' fight the Indians fled, leaving twenty-eight (28) killed. Our loss four (4) killed and three (3) wounded. Look out for Cheyennes everywhere. Especially instruct the troops in upper Arkansas.

S. R. CURTIS, *Major General.*

Official copy :

CHARLES WHEELER,
First Lieut. and A. A. A. General, Dist. of Colorado.

[Pacific Telegraph Company.]

FORT LEAVENWORTH, *June 3, 1864.**To Colonel Chivington, care Governor Evans, Denver :*

Send out force to crush the Indians that are in open hostility, as requested by Governor Evans.

S. R. CURTIS, *Major General.*

Official copy :

CHARLES WHEELER,
First Lieut. and A. A. A. General, Dist. of Colorado.

[Pacific Telegraph Company.]

FORT LEAVENWORTH, *June 7, 1864.**To Colonel Chivington :*

What troops have moved, and where are they ? What can you send forward ? The sending of supplies, as well as Indian troubles, makes it important to know. The Indians are very troublesome between Fort Lyon and the Kansas settlements.

S. R. CURTIS, *Major General.*

Official copy :

CHARLES WHEELER,
First Lieut. and A. A. A. General, Dist. of Colorado.

[Pacific Telegraph Company.]

FORT KEARNEY, *August 8, 1864.**To Colonel Chivington :*

Nine (9) men killed to-day about two miles east of Plum creek ; two (2) women and four (4) children supposed to be taken prisoners—Mrs. Smith supposed to be one of them. Indians attacked three trains, destroyed one and killed all the men in the train.

H. RUHL, *Captain, Commanding.*

Official copy :

CHARLES WHEELER,
First Lieut. and A. A. A. General, Dist. of Colorado.

[Pacific Telegraph Company.]

HEADQUARTERS IN THE FIELD, VIA PLUM CREEK.

To Colonel Chivington :

I am near hundredth meridian, and near Kansas line, South Republican. Indian signs, but show no great force. Scouting all directions. Have about even hundred, (700.) Co-operate if you can west from junction and south of Allyn's bluffs.

S. R. CURTIS, *Major General.*

Official copy :

CHARLES WHEELER,
First Lieut. and A. A. A. General, Dist. of Colorado.

[Pacific Telegraph Company.]

FORT LEAVENWORTH, *September 28, 1864.***To Colonel Chivington :**

I shall require the bad Indians delivered up ; restoration of equal numbers of stock ; also hostages to secure. I want no peace till the Indians suffer more. Left-Hand is said to be a good chief of the Arapahoes, but Big Mouth is a rascal. I fear the agent of the Interior Department will be ready to make presents too soon. It is better to chastise before giving anything but a little tobacco to talk over. No peace must be made without my directions.

S. R. CURTIS, *Major General.*

Official copy :

CHARLES WHEELER,
First Lieut and A. A. A. General, Dist. of Colorado.

[Pacific Telegraph Company.]

FORT LEAVENWORTH, ——— 30, 1864.

To Colonel Chivington :

Some four hundred (400) Cheyennes attacked the Yânc tons on Smoky Hill ; after several hours' fight the Yanc tons fled, leaving twenty-eight killed ; our loss four (4) killed and three (3) wounded. Look out for Cheyennes everywhere, and especially instruct the troops on the Upper Arkansas.

S. R. CURTIS, *Major General.*

Official copy :

CHARLES WHEELER,
First Lieut. and A. A. A. General, Dist. of Colorado.

[Pacific Telegraph Company.]

FORT LEAVENWORTH, *October 3, 1864.***To Colonel Chivington :**

Better not detain company K, because it is small and broken down. We need every man in the line, and must not offer inducements to depletion. General Blunt deserves and must be consulted.

S. R. CURTIS, *Major General.*

A true copy :

CHARLES WHEELER,
First Lieut. and A. A. A. General, Dist. of Colorado.

PACIFIC TELEGRAPH COMPANY,
Fort Leavenworth, October 7, 1864.

General Blunt came on camps of Indians near head of Pawnee, September 25, 1864, three or four thousand strong, routed and pursued them several days. Nine Indians killed. Our loss two (2) killed and seven (7) wounded. The Indians went towards head of Smoky. These are probably the same Indians Colonel Wynkoop reports, erroneously and unfortunately, out of his command.

S. R. CURTIS, *Major General.*

Official copy:

CHARLES WHEELER,
First Lieut., and A. A. A. General, Dist. of Colorado.

Colonel CHIVINGTON.

Commission adjourned until 3 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

Copies of official documents presented by J. M. Chivington continued:

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs, March 24, 1865.

SIR: I have the honor to acknowledge the receipt of your communication of February 28, 1865, requesting me to forward "a certified copy of the report of the proceedings of the council held by Governor Evans, superintendent of Indian affairs in Colorado, with the Cheyenne and Arapahoe Indian chiefs, held at Camp Weld, Colorado Territory on or about the 27th September, 1864," and in reply have to state that there is nothing in the files of this office which purports to be a report of said proceedings. All that appears is printed upon page 220 of the annual report of this office for 1864, in Governor Evans's annual report, and I herewith transmit a copy of that portion of the report.

Very respectfully, your obedient servant,

W. P. DOLE, *Commissioner.*

Captain GEORGE H. STILWELL,

Recorder Military Commission, Denver, C. T.

"As proposed in this report the major (Wynkoop) brought the chiefs and headmen to Denver, and I held an interview with them on September 28, in presence of Colonel Chivington, commanding the district of Colorado; Colonel Shoup, of third Colorado cavalry; Major Wynkoop, and a number of military officers; John Smith, the interpreter, Agent Whiteley, and a number of citizens. They were earnest in their desires for peace, and offered to secure the assent of their bands to lay down their arms, or to join the whites in the war against the other tribes of the plains. They stated that the Kiowas, Comanches, Apaches, and fourteen different bands of the Sioux, including the Yanktonais and other bands from Minnesota, and all of those of the northern plains, were among the strong forces on the war path; that the Sioux are very hostile and determined against the whites. They stated that the chiefs of their bands had been opposed to the war, but they had been overpowered by the influence of their young men."

"After collecting all the information I could from them as to the parties who had committed the murders and depredations during the spring and summer, and hearing their propositions for peace, I admonished them of their failure to meet me in council last autumn, and of their neglect to respect my proclamation directing the friendly Indians to repair to their agencies; that they had joined the alliance for war, and had committed the most horrible murders, and destroyed immense amounts of property, for which they offered no atonement or repair."

that I had by that proclamation turned them over to the military, with whom they must make their terms of peace, as it might embarrass military authorities who were in pursuit of their hostile allies." He ordered them to make immediate application to the military authorities to accept the terms of peace they might obtain, and left them in the hands of Wynkoop, who took them back to Fort Lyon."

Depositions of Colonel George L. Shoup, Mr. Gill, and Clark Dunn, veteran battalion first Colorado cavalry, presented by J. M. Dunn as a portion of his defence.

Deposition as follows:

I solemnly appeared this the 3d day of February, 1865, before me, Samuel J. Dunn, lieutenant colonel veteran battalion first Colorado cavalry, George L. Shoup, late colonel third Colorado cavalry, who, being first duly sworn according to law, depose and saith:

Q. What is your name and former rank in the army?

A. George L. Shoup, formerly first lieutenant first Colorado cavalry; presently colonel of third Colorado cavalry.

Q. When were you appointed colonel?

A. September 21, 1864.

Q. When did you assume command?

A. September 21, 1864.

Q. How many men and horses at that time?

A. About one thousand and forty enlisted men; I think between three hundred and fifty and four hundred horses at that time.

Q. How many men enlisted after you took command?

A. About twenty-five.

Q. How many horses were furnished afterwards by quartermaster?

A. About four hundred.

Q. What disposition was made of the regiment after you resumed command?

A. When I assumed command the regiment was stationed as follows: companies at Camp Evans, near Denver, commanded by Major Wilder; company at Fort Lupton, about thirty miles below Denver, commanded by Morgan, (an artillery company;) one company at Junction, about one mile below Denver, commanded by Lieutenant Fry; one company at Valley Station, about one hundred and fifty miles below Denver, commanded by Captain Nichols; one company in the Fountain-qui-bouit, divided in detachments between Colorado City and Pueblo, commanded by Captain Call; company on the Arkansas river, five miles below Pueblo, commanded by Major Baxter. Companies at Camp Evans marched for Bijou basin, by order of the commander, on or about the 14th of October, under my command; company from Latham marched for the same place, on or about the 16th of October, under command of Major Sayre; company on Fountain-qui-bouit marched for same place on or about the 20th of October; two companies from Bijou basin on or about the 25th of October, to relieve the companies stationed at Junction and Valley Station. On or about the 25th of October I left Bijou basin, leaving Major Sayre in command, and came to Denver, for the purpose of concentrating the companies of my regiment then on the Arkansas river, thence to rejoin that portion of the regiment on Bijou basin. The snow prevented a concentration of these troops at Bijou basin. The companies on the Platte were, in consequence, concentrating at Denver, and on or about the 12th of November I left Denver for Fort Lyon, with companies O, P, and Q of my regiment and company H of the first Colorado cavalry, and on the 18th of November joined Major Sayre at Boonville with that portion of the regiment which had been left at Bijou basin, (he having been

ordered to precede me,) consisting of companies A, B, and E, and I and M. On or about the 20th Captain Baxter joined the command with company G, and the day following Colonel John M. Chivington, commander of the district of Colorado, arrived and assumed command of the column, I still commanding my regiment. On or about the 22d the column, consisting of my regiment and a battalion of the first, marched from Boonville towards Fort Lyon, and reached Fort Lyon on the 28th, and went into camp. On the evening of the 28th I received orders from the colonel commanding to prepare three days' cooked rations, and be ready and march at eight o'clock the same evening. At eight o'clock the column marched in the following order: the first regiment on the right, my regiment on the left. I had under my immediate command between five hundred and fifty and six hundred men mounted. My transportation was left at Fort Lyon. The column marched all night in a northerly direction. About daylight the next morning came in sight of an Indian village. Colonel Chivington and myself being about three-fourths of a mile in advance of the column, it was determined to make an immediate attack. Lieutenant Wilson, commanding a battalion of the first, was ordered to cut off the ponies of the Indians at the northeast of the village. By order of Colonel Chivington I was ordered to send men to the southwest of the village, to cut off the ponies in that direction, and then to immediately engage the Indians.

Question. Did Colonel Chivington make any remarks to the troops, in your hearing?

Answer. He did not.

Question. Did you approach the camp of the Indians in line of battle with your men mounted, or dismounted?

Answer. Kept my men in column of fours till I arrived at the village, when I formed them in line of battle, and to the left of a battalion of the first, commanded by Lieutenant Wilson, my men mounted.

Question. At what distance was your command from the village when you commenced fire upon it?

Answer. I did not allow my men to fire when I formed my first line; the battalion on my right was firing. I wheeled my men into column of fours and marched to the rear of the battalion on my right, to the right of that battalion, to obtain a better position. I marched up Sand creek some distance, following the Indians who were retreating up the creek. When opposite the main body of Indians, wheeled my men into line, dismounted, and opened fire.

Question. Did you know what band of Indians it was at the time of the attack?

Answer. I heard while at Fort Lyon that Left Hand, of the Arapahoes, and Black Kettle, of the Cheyennes, were at the village.

Question. Did you, at any time prior to the attack, hear Colonel Chivington say that he was going to attack Black Kettle's band?

Answer. I did not.

Question. How long did the fight last?

Answer. The fighting did not entirely cease until about three o'clock in the afternoon.

Question. Did you camp with your regiment near the battle ground?

Answer. We camped on ground occupied by the Indians before the battle.

Question. What was done with the Indians and other property?

Answer. The lodges were burned. The ponies, numbering, as I was told, five hundred and four, were placed in charge of the provost marshal. A few remained in the hands of the troops.

Question. What were the casualties of your regiment?

Answer. Ten killed, one missing, about forty wounded.

Question. In your opinion how many Indians were killed?

Answer. From my own observation I should say about three hundred.

Question. Were they men, or women and children?

Answer. Some of each.

Q. Did you witness any scalping or other mutilation of the dead by command?

A. I saw one or two men who were in the act of scalping, but I am not

Q. Were any prisoners taken, to your knowledge?

A. Several persons were saved during the engagement and brought into

Q. Was Jack Smith among them?

A. He was.

Q. Do you know what became of Jack Smith?

A. He was killed by some person unknown to me. I heard the report of a revolver, went out to the lodge, found Smith shot, and could not ascertain what was done to him.

Q. What did you hear Colonel Chivington say in reference to prisoners brought into camp?

A. I heard him say we must not allow John Smith and family, father and son, to be harmed; that he did not intend to take any Indians prisoners. He said he would allow the half-breed Bent to return to his father.

Q. How long after the fight closed was Jack Smith shot?

A. The next day, between 10 a. m. and 2 p. m.

Q. Where did you then march?

A. Followed down Sand creek to the Arkansas river, where we arrived on the 2d of December; broke camp about 10 o'clock same evening, and marched about forty miles down to the Arkansas river that night, hoping to find the Little Raven's band of Indians, but found, on arriving at their camp, that they had left. Command went into camp. I took a detachment of my company, went out to ascertain, if possible, the direction taken by the Indians. In the vicinity of the village found trails going in all directions, the most numerous concentrated on the plains about eight miles distant, and then went in a westerly direction. I followed them till near dark, and returned that evening. Next morning command went down the river in two columns, Colonel Chivington commanding column on north side; I, the column on the south side. Evening at dark camped opposite Colonel Chivington's command. I left my command, crossed the river, ascertained that Colonel Chivington, with a detachment, had continued on the trail, and had not yet returned. Colonel Chivington returned about 10 o'clock, and ordered commands on both sides of the river to be ready to march in about an hour, as he had discovered Indians. At the river at once. In about an hour the column moved down the river. Just before daylight we arrived at the place where Colonel Chivington had discovered the Indians. The column halted, a reconnoissance made, but it was found that the Indians had left. As soon as light enough to find their trail, we followed them, they taking a northeasterly direction; but finding our horses, twenty-five or thirty having given out in the last five or six miles, the commanding held a consultation with his officers. They decided that it was impracticable to pursue the Indians further, as most of the horses would be exhausted before water could be reached. The column returned to the Arkansas river and from thence back to Denver. I was mustered out of the service as private of the third Colorado cavalry, on the 28th of December, 1864. My regiment was mustered for one hundred days from the 17th of September, 1864.

Q. Were you present in council with some Indian chiefs in Denver, the last summer or fall?

A. I was.

Q. Who were present—whites and Indians?

A. Governor Evans, Colonel Chivington, Captain S. M. Robbins, Major Cooper, Major Whiteley, Amos Steck, J. Bright Smith, Nelson Sargent,

Captain John Wanless, Black Kettle, White Antelope, and five or six other Indians, and John Smith and Sam Ashcroft, interpreters.

Question. Did the Indians express a desire for peace with the whites?

Answer. Yes.

Question. Upon what terms did they desire peace?

Answer. That they have protection and supplies while the war was carried on against hostile Indians.

Question. Was peace guaranteed to them on any terms?

Answer. They were told by Colonel Chivington that if they would come in and surrender themselves, he would then tell them what to do.

Question. What did the governor tell them?

Answer. That as they had violated all treaties they would have to treat with the military authorities, to whom he had given up all authority.

Question. Did Colonel Chivington tell them that he would guarantee them peace only on condition that they would come into the post and lay down their arms?

Answer. Colonel Chivington did not guarantee them peace upon any terms, but if they would come into the post, surrender themselves, and lay down their arms, he would tell them what to do.

Question. Did the Indians say that they would do so?

Answer. They said they would go back to their people, tell them and advise them to do so.

Question. You made an official report of the Sand creek engagement to the colonel commanding the district?

Answer. I did.

Question by J. M. C. How many horse equipments had you for your regiment on the 21st of September?

Answer. I think about two hundred.

Question. What was the reason the companies were sent from Bijou basin to relieve the companies at Junction and Valley stations?

Answer. The companies at Junction and Valley stations being mounted, and those relieving them being dismounted.

Question. Were a complete number of horses and horse equipments to mount your regiment ever obtained?

Answer. There were not.

Question. How long was it after the last horse equipments reached Denver for your regiment from Leavenworth, before you received orders and marched your command to the field?

Answer. The next day.

Question. Did or did not the chiefs, in their interview with Governor Evans, say that they had wanted peace all the time during the last spring and summer?

Answer. They said that they always wanted peace, but had been unable to control their young men.

Question. Did you have any conversation with Major Colley, Indian agent for the Arapahoe and Cheyennes of the Upper Arkansas, respecting the disposition of the Indians and the policy that ought to be pursued towards them? If so, state what he said.

Answer. I had an interview with Major Colley, on the evening of the 28th of November, in which he stated to me that these Indians had violated their treaty; that there were a few Indians that he would not like to see punished, but as long as they affiliated with the hostile Indians we could not discriminate; that no treaty could be made that would be lasting till they were all severely chastised; he also told me where these Indians were camped.

Question. State what you heard Major Scott J. Anthony say in reference to these Indians on the 28th of November last.

answer. He said he would have fought these Indians before if he had had a strong enough to do so, and left a sufficient garrison at Fort Lyon, he was at the time in command of Fort Lyon.

GEO. L. SHOUP.

sworn and subscribed to before me at Denver this 3d day of February, 1865.

SAM. F. TAPPAN,

Lieut. Col. Veteran Batt. First Colorado Cavalry.

Personally appeared this 3d day of February, 1865, before me, Samuel F. Tappan, lieutenant colonel of veteran battalion first Colorado cavalry, Captain J. Gill, of Denver, Colorado, who being duly sworn according to law, deposeth and saith, being called by Colonel Chivington :

Question. Your full name and rank ?

Answer. Andrew J. Gill, captain of territorial militia.

Question. Were you connected with the column that moved from Denver to Fort Lyon, and which afterwards engaged with the Indians at Sand creek ?

Answer. I joined it at Booneville.

Question. Were you connected with it in an official capacity ?

Answer. I was a volunteer aid on the staff of the colonel commanding.

Question. Did you furnish the command with hay ?

Answer. I furnished some hay at different points.

Question. At what places ?

Answer. At Spring Bottom, and at points where contracts had not been let.

Question. How much hay did you furnish the command ?

Answer. Have no recollection.

Question. Did you furnish the command with corn ?

Answer. I did with a part, but not all they used.

Question. Who receipted to you for the corn and hay, Lieutenant Elliot or Captain Maynard ?

[Answer not given.]

Question. Did you furnish corn and hay in bulk ?

Answer. I did.

Question. Was any officer in the service of the United States interested with you as a partner, furnishing the column with forage ?

Answer. No one interested.

Question. Did you accompany the column after it left Booneville on its march to Sand creek ?

Answer. I did.

Question. Were you at Sand creek at the time of the engagement with the Indians ?

Answer. I was.

Question. From your own observation, what is your opinion of the number of Indians killed ?

Answer. I supposed at the time that there were about five hundred killed.

Question. How many lodges do you suppose there were ?

Answer. Rising one hundred.

Question. Did you hear Colonel Chivington make a speech to his men just before the attack ?

Answer. I did.

Question. What was it ?

Answer. Now, boys, I sha'n't say who you shall kill, but remember our murdered women and children.

Question. Did he give any order ?

Answer. He then ordered the troops to strip off their overcoats.

Question. Did you witness any scalping or mutilation of the dead ?

Answer. I saw one soldier scalp an Indian.

Question. Did you hear any officer trying to prevent soldiers from scalping the dead?

Answer. I heard the colonel say afterwards "that I wouldn't do any scalping;" this to me privately, but I heard no orders given to prevent scalping.

Question. Do you know anything of the death of Jack Smith?

Answer. I know nothing of it. While in camp near Fort Lyon I heard Major Scott J. Anthony, commanding Fort Lyon, say that he should have attacked the Indians before this if he had sufficient force, and was glad Colonel Chivington had come. Also heard Major Colley, Indian agent, say that the Indians were hard to manage, and the only thing to do any good was to chastise them severely.

A. J. GILL

Sworn and subscribed to before me.

SAMUEL F. TAPPAN.

Lieut. Col. Vet. Batt. First Colorado Cavalry.

DENVER, C. T., April 27, 1865.

CLARK DUNN, late lieutenant veteran battalion first Colorado cavalry, introduced by J. M. Chivington to give evidence.

The oath being administered according to law, he (Dunn) testified as follows:

By J. M. CHIVINGTON.

Question. What is your name, and what has been your occupation for the past three years?

Answer. Clark Dunn; a soldier in the United States army for the last three years. I was mustered out of the service as an officer the 22d day of March, 1865.

Question. What position did you occupy in the army?

Answer. I was a private soldier, a sergeant, a second and first lieutenant. Was mustered out as a first lieutenant.

Question. Do you know anything of the origin and history of the Indian difficulties in this Territory and Kansas? State what you know of your own knowledge.

Answer. On the 12th day of April, 1864, I was stationed at Camp Sanborn, Colorado Territory. On the morning of that day I was ordered out by Captain Sanborn, then in command of camp, with forty men of companies C and H, first Colorado cavalry, in pursuit of a party of Indians, who, it was said, had stolen stock, and driven people from their ranches on Bijou creek. It was also reported that they had torn down portions of the telegraph wire. I left Camp Sanborn about nine o'clock that day with a man by the name of Ripey; I think he was the man that had reported about the Indians, and said that they had stock that belonged to him. Shortly after leaving Sanborn I divided my command, and sent half of them direct to Bijou ranch, on Bijou creek. I went with the balance of the command down the Platte to the junction. Hearing nothing of the Indians, I then went in the direction of the Bijou ranch, on Bijou creek, in order to meet the balance of my command. I joined them about 2 p.m. Shortly afterwards I discovered the trail of the Indians. They were going north towards the Platte river. I followed their trail to within about three miles of the river. I discovered a smoke to the right of the trail and about three or four miles further down the Platte; there the course of the trail would intercept the river. Thinking that the Indians had, perhaps, changed the course of their trail between that point and the river, I again divided my command, sending half of them in the direction of the smoke, and I followed the trail with the balance. When I got to the brink of the river I discovered a party of about

Indians crossing the river about one mile below me. There was also a small party of Indians, in advance of those, driving stock. The party with the stock were across the river. When I discovered them I crossed the river at that point. In crossing the river I stopped to water my horses as they had been a long time without water. Mr. Ripey and one of my men preceded in advance. They came back and met me as I was getting across. He stated that it was his stock, and the soldier stated the Indians were in a fight, as they were drawn up in line, and loading their rifles. When I crossed the river into open ground where I could see the Indians, the party had seen crossing the river had halted, and were drawn up in line on the north side of the river. My orders from Captain Sanborn were to recapture the stock from them, disarm the Indians, and bring them prisoners to Camp Sanborn. The party of Indians that were driving the stock were driving it very rapidly up the bluffs when I came in sight of them again, after crossing the river. I then in pursuit of the party of Indians with the stock, intending to get the stock first. The party of Indians on the banks of the river started in the pursuit of the stock at the same time, when I halted my command, and wheeled about towards the Indians. The Indians also formed in line. They were about five hundred yards from me down the Platte. I then detailed four men with Mr. Ripey in pursuit of the stock, with instructions to get the stock if possible and bring it back without making a fight. I then rode out about one hundred and fifty (150) yards in front of my command and requested that two of the Indians come out that I might talk with them. They paid no attention, but marched forward in line to where I was, with their bows strung. I called to me to come back, that the Indians would kill me; I returned to my command, as the Indians came up to me. The Indians came up to my command with me. I found that my men had their revolvers drawn. I ordered them to return them and dismount, and endeavor to take the arms from the Indians.

As soon as they were dismounted the Indians fired upon us. I immediately ordered my men to fire on them in return and dismount. We had an engagement there; it must have lasted between half and three quarters of an hour. I had four men wounded, and killed quite a number of the Indians. I saw many fall from their horses at the first fire. I could not tell the exact number of Indians, because they packed their dead Indians away as fast as they were killed. While the engagement was going on, Mr. Ripey, with the men I had ordered to go along with him, had returned. The party of Indians with the stock, the number of fifteen or twenty, also joined the Indians, who were attacking me. I finally succeeded in driving the Indians back about half or three quarters of a mile, to a bluff. I then ordered my command to load their revolvers, as they were empty, when I again started in pursuit of the Indians, the balance of my command having joined me. I pursued them about sixteen miles; night came on, and it having commenced storming, I abandoned the pursuit and returned to Camp Sanborn, a distance of about twenty miles. The Indians were armed with bows and arrows, rifles, revolvers, and horse-pistols. My men were armed with cavalry sabres and Whitney revolvers, navy size, and of a superior quality. I started on the trail again the next day, with Geary as my guide, but it having stormed that night and snowed the next day we were unable to find their trail. I afterwards made repeated scouts after them for that and other predatory purposes, but did not find them.

Q. Were you at Fort Lyon on the 28th day of November, 1864, and did you hear any conversation that occurred between Major Anthony, commander, and Colonel Chivington? If so, state it and all you heard Anthony say in regard to Indians.

A. I was at Fort Lyon on November 28, 1864; I don't recollect that I heard any conversation between Major Anthony and Colonel Chivington in regard to Indians; I talked to Major Anthony a number of times in regard to it.

He told me that those Indians that were encamped on Sand creek were hostile, and not under protection of the troops at that post; that he would have gone out there himself and killed them, if he had had a sufficient number of troops under his command. He stated this before the fight at Sand creek, and after it. The first conversation I had with him, when we arrived at Fort Lyon on that day, (the 28th of November,) he said that he was d—d glad we had come, and the only thing that he was surprised at was that we had not come long before, knowing how he was situated.

Question. Did you hear any conversation that occurred between Colonel Chivington and a citizen by the name of Combs, on or about the 25th of November, 1864, at Spring Bottom, on the Arkansas river, while the command under Colonel Chivington was en route for Fort Lyon? If yes, state what that conversation was.

Answer. I heard a conversation there between Colonel Chivington and a man by the name of Combs, but I don't recollect what the conversation was well enough to state the conversation in full. He (Combs) stated that at the time Major Anthony came to Fort Lyon and assumed command, he (Anthony) did not approve of Major Wynkoop's proceedings, and ordered the Indians out of the post. He also ordered the Indians to give up their arms. The Indians gave up some bows and arrows, a few broken rifles and pistols, with which Anthony was not satisfied, and ordered them to leave the vicinity of the post. He also ordered the guard stationed around the post to fire on the Indians if they came towards the post; and that the guard had fired on them frequently before the Indians left their camp below the post; and that after the Indians had moved to Sand creek parties of warriors had visited the post and demanded rations, which were refused, and they were daily expecting the post to be attacked. He stated that at one time (I think it was while Wynkoop was in command of Fort Lyon) a party of Cheyenne Indians came into the camp of the Indians below Fort Lyon, and stated that a large war party of Utes were near by. The chief of the Arapahoes and Cheyennes immediately made application for protection, and two companies of cavalry were ordered down to the camp to protect them, but it did not prove to be Utes, and so they did not have any fight. He stated that previous to Anthony's coming there, the Indians in large numbers were continually at the post, in the officers' quarters, and that the officers gave them whiskey, and that the Indians rode government horses and mules, and carried government arms with them.

Direct examination of Clark Dunn, late lieutenant veteran battalion first Colorado cavalry, by J. M. Chivington, closed.

Cross-examination of Clark Dunn, late lieutenant, &c., by the commission:

Question. Did you have any acquaintance with Mr. Ripey prior to your scout after Indians?

Answer. No, I did not.

Question. What evidence had you that Mr. Ripey's stock had been stolen by Indians?

Answer. I was under Captain Sanborn's orders; he sent Ripey with me, and said he would know the stock and the Indians, and he owned part of it himself; and when we met the Indians he (Ripey) stated that there was his stock, and they were the Indians that had taken it from him.

Question. How far were you and your command from the Indians at the time they fired upon you?

Answer. About eight or ten feet.

Question. In your conversation with Major Anthony did not he (Anthony) tell you that the Indians had sent him a challenge to come out and fight them, and that he (Anthony) was anxious to do so?

Answer. I don't think he did; he stated he was anxious to go out after them.

in reference to the challenge, I don't recollect of his saying anything about it.

Question. Was not Major Anthony's conversation with you in reference to hostile Indians of the Sioux encamped on a branch of the Smoky Hill, north of Lyon?

Answer. I had conversation with Major Anthony in reference to those Indians. The conversation I have already related had no reference to the Sioux.

Question. What conversation did you have with him in reference to the challenge?

Answer. He told me that they had sent him a challenge to come out and fight; that he would not go there with less than a thousand men.

Re-examination of Clark Dunn, late lieutenant, &c., by the commission, &c.

Re-examination of Clark Dunn, late lieutenant, &c.:

Questions asked.

Commission adjourned until 9 a. m. to-morrow, May 5, 1865.

FIFTY-SIXTH DAY.

MAY 5, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of yesterday read and approved.

The following deposition was presented by J. M. Chivington, as a portion of evidence:

PLANTERS' HOUSE, DENVER, C. T.,
April 7, 1865.

GENERAL: Will you be kind enough to have the deposition of Mr. Meyer read at 2 o'clock p. m.? My reason for the request is, Mr. Hallat, my counsel, employed in suit this a. m. before probate court.

Very respectfully,

J. M. CHIVINGTON,
Late Colonel First Colorado Cavalry.

Brigadier General CONNOR,
Commanding District of the Plains.

The general commanding district of the plains directs that the within request be complied with, and J. M. Chivington, late colonel first Colorado cavalry, notified of hour and meeting.

GEO. F. PRICE,
Acting Assistant Adjutant General.

Respectfully referred to Captain Anderson for his guidance. Notify Colonel Chivington of the hour and place.

T. M., *Colonel.*

DENVER, COLORADO TERRITORY,
Office of A. C. M., April 7, 1865.

SIR: I have the honor respectfully to inform you that I have been directed to notify you that, in compliance with your request to Brigadier General Connor, commanding district of the plains, the deposition of Mr. Meyer will be read before me, at my office, at 2½ o'clock this p. m.

Very respectfully, your obedient servant,

JNO. C. ANDERSON,

Capt. Vet. Batt., 1st Col. Cav., A. C. M., and Judge Advocate.

M. CHIVINGTON,

Late Colonel First Colorado Cavalry.

HEADQUARTERS DISTRICT OF COLORADO,
Denver, April 7, 1865.

CAPTAIN: Colonel J. M. Chivington, late of the first regiment Colorado cavalry, having made application to Brigadier General Connor, commanding district of the plains, to have the evidence of one L. Meyer taken, regarding the Sand creek affair, in the absence of the military commission now investigating the matter at Fort Lyon, you will, in obedience to instructions received from General Connor, take the affidavit of Meyer on the subject, in presence of Colonel Chivington, and forward the same, properly attested, to these headquarters to-day.

Respectfully, your obedient servant,

T. MOONLIGHT,

Colonel Eleventh Kansas Cavalry, Commanding.

Captain JOHN C. ANDERSON,

Judge Advocate, Denver, Colorado Territory.

Pursuant to the foregoing authorities directing me, as judge advocate of the district of Colorado, district of the plains, to take the deposition of one L. Meyer, with reference to his knowledge of facts connected with the Sand creek affair, in accordance with directions by me received, and proper notification to the parties being given that the deposition of L. Meyer would be taken before me, at my office, at 2½ o'clock p. m. of April 7, 1865, J. M. Chivington, late colonel first Colorado cavalry, duly appeared by counsel at the hour and place above mentioned, and presented Mr. L. Meyer, who, being by me first duly sworn, testified and deposed as follows, viz:

1st question, direct examination, by J. M. Chivington's counsel. State your name, age, occupation, and place of residence.

Answer. Lipman Meyer; age, thirty-four years; freighter; place of residence, Leavenworth.

2d question, by counsel. Where were you on or about the 1st day of December 1864, and what were you then engaged in?

Answer. I was on the Arkansas, about thirty miles east of Fort Lyon. I was on my way with a train going to New Mexico.

3d question, by J. M. Chivington's counsel. Do you know a captain by the name of Silas S. Soule?

Answer. I know an officer by the name of Soule. I have heard him styled captain.

4th question, by J. M. Chivington's counsel. Did you see Captain Soule at the time you came on the Arkansas, and was he then in command of a detachment of troops? If so, how many men had he under his command, and upon what duty were they ordered, and were you with that command; did you accompany them?

Answer. I did see Captain Soule when I was on the Arkansas. He was in command of troops, to the best of my knowledge; I believe he had twenty men. I heard them say they were ordered to go and see after my train. I accompanied the command.

5th question. Where was your train at that time?

Answer. It was on the Aubrey route, about thirty miles south of the Arkansas river.

6th question. Did Captain Soule start with his command for your train?

Answer. He started about the 2d or 3d day of December.

7th question. Were you with the command?

Answer. I was with the command.

8th question. At what hour did Captain Soule with his command start for your train?

er. I suppose it was between 10 and 11 o'clock in the forenoon of the 2d of December.

question. How far did the command go south of the Arkansas river?

er. I cannot give the exact distance; but I suppose, judging from the way we were going, we might have gone fifteen miles.

question. Did you see any Indians during the trip?

er. I did not?

question. Did the command go to your train?

er. They did not.

question. At what hour did Captain Soule's command return to place of?

er. The following day, in the morning, by 6 or 7 o'clock.

question. At what hour did the command arrive at the Arkansas?

er. We commenced to return to the Arkansas on the night of the same day; I cannot give the hour; between 7 and 8 o'clock, I suppose.

question. Was Captain Soule with the command all this time?

er. He was.

question. Why did not Captain Soule proceed to the train?

er. He gave me his reasons; he had no provisions along, and he saw a wrong direction where I suppose my train was, and was afraid to go there.

question. Did you hear the report that Captain Soule made to Colonel Chivington, on his return from this expedition?

er. I heard Captain Soule making a statement to Colonel Chivington.

question. State as nearly as you can what that report or statement was.

er. He said that he had seen two Indian camps, and was from a half a mile from them, and supposed the Indians numbered from three to four hundred, and heard the dogs bark.

question. When was this report made?

er. It was made on the 4th or 5th of December.

question. Did you see any Indian camps on the expedition?

er. I did not see any Indians.

question. Did you see any fires?

er. I did see fires.

question. At what time?

er. I saw it in day-light; the smoke from 2 o'clock in the day until 12 o'clock at night.

question. How far from you and the command did the fire appear to be?

er. One fire I judged to be fifteen miles distant, and one fire I would judge was a mile or a mile and a half distant.

question. Did you see anything more than the smoke of the fire?

er. I did not.

question. Did Captain Soule send any one forward to ascertain whether the fire arose from a camp-fire of emigrants or of Indians?

er. He did not. I insisted on his going, but he refused to do so.

question. Did he at the time say that he saw Indians?

er. He said he supposed they must be Indians?

question. In what condition was Captain Soule on this expedition; sober, or not?

er. I should judge him to be drunk—judging from his actions.

question. In what condition was he when this command went into camp at the Arkansas?

er. He was drunk.

question. State did Colonel Chivington and his command pass the camp at the Arkansas that night, on their way down the Arkansas.

er. I did not see them; but I understand they did.

question. State what you know about Captain Soule's belief that his

camp was attacked by Indians that night, and what occurred in connection therewith.

Answer. At about two o'clock a. m., about the fourth or fifth of December, while we were in camp, we heard a great noise, indicating that Indians were moving up or down the road. The sentinel, or whoever was on guard, gave the alarm of Indians, and everybody was waked up. Captain Soule remained sleeping. The sergeant tried to wake him up, but he delayed and detained the company about half an hour before he got awake or rational. When he got awake he did not know which was up or down the river. His programme was to go up the river, to the camp where we started from, but he was unable to tell which was up or down, and I and the sergeant insisted upon his going with us. We knew the road to the camp where we started from, and he insisted on his way of going, but his company refused to follow him, and stated they never would go out with him any more on a scout. Finally he went the way we wanted him to go—up the river, as we proposed.

30th question. Did you have any blankets upon that trip, and in whose possession or keeping were they?

Answer. I had blankets—two pair, and they were stolen from me.

31st question. By whom do you think they were taken?

Answer. I have reason to believe that either they were taken by Captain Soule or Lieutenant Cannon.

Cross-examined by judge advocate :

1st question. You say you are by occupation a freighter. State under what circumstances you became acquainted with Captain Soule.

Answer. I met Captain Soule in the command of Colonel Chivington on or about the 1st or 2d of December, 1864.

2d question. Was Captain Soule in command of troops at this time?

Answer. He was in command of troops.

3d question. How many men had he under his command?

Answer. To the best of my belief, there were about twenty men.

4th question. Where was Colonel Chivington's command at the time you became acquainted with Captain Soule?

Answer. He was at a place near Camp Wynkoop, about sixty miles from Fort Lyon.

5th question. How long did you remain at Camp Wynkoop?

Answer. I remained near Camp Wynkoop one night.

6th question. Was your train near Camp Wynkoop?

Answer. My train, I suppose, at that time was from thirty to forty miles from Camp Wynkoop.

7th question. Did you accompany Colonel Chivington's command?

Answer. I did.

8th question. How long were you with his command on the march?

Answer. I was with his command on the march between five and seven days. Not less than five nor more than seven days.

9th question. Was Captain Soule's command with Colonel Chivington's on the 4th day of December?

Answer. It was, to the best of my belief.

10th question.. State upon what expedition and for what purpose Captain Soule and his command were sent away from Colonel Chivington's command.

Answer. Captain Soule told me that Colonel Chivington sent him out to see after my train, which was upon the Aubrey route on the way to New Mexico.

11th question. Did Captain Soule tell you this while in Colonel Chivington's camp?

Answer. He told me this while on the road from the camp.

12th question. How far from Colonel Chivington's camp was it when he told you the object of his expedition?

Answer. I would suppose within three miles of the camp.

13th question. Did you accompany the expedition with the consent of Captain Soule before he left camp?

Answer. I did not ask him before he left camp. I merely followed. Colonel Livingston told me that the command was going, and if I wanted to go, I could so.

14th question. Did you see Captain Soule drink any spirituous or intoxicating liquor when upon that expedition?

Answer. I did, sir.

15th question. How do you know it to have been spirituous or intoxicating?

Answer. He offered it to me, and I drank with him.

16th question. Did he drink frequently?

Answer. He did.

17th question. Did he offer it to you frequently?

Answer. He did.

18th question. Did you not drink upon such occasions with him?

Answer. I did.

19th question. Did you at any time refuse to drink with him?

Answer. I did.

20th question. How near your train did the expedition go?

Answer. I can only say indefinitely; I suppose we went within twenty miles of it.

21st question. How many days were you out upon that expedition? I mean the time between when you started, until your return to place of starting?

Answer. I should say it was from eighteen to twenty hours.

22d question. At the time of an alarm in camp, did you see Captain Soule sleep, and know that it was difficult to arouse him?

Answer. I did, sir; I saw him asleep and tried to wake him up myself.

23d question. Did you advise his men not to follow him when he wished to go down the river, and tell them that Captain Soule was wrong?

Answer. I did not exercise any influence over his men. I told the sergeant and corporal, in the hearing of the men, that the other way, up the river, was the way we wanted to go.

24th question. Did you repeat this remark more than once?

Answer. I could not say whether I did or not.

25th question. Did you express to the men any dislike you felt for Captain Soule?

Answer. I did not.

26th question. Did you ever say to Captain Soule or Lieutenant Cannon, or thought he or they had stolen your blankets?

Answer. I made that assertion to Lieutenant Cannon through a letter, after hearing from Colonel Schoup that Dr. Leas, being in my company when my blankets were taken, had said that he heard Lieutenant Cannon making his statements that he knew what became of my blankets, and knew who had taken them. I have never accused him of taking the blankets.

Cross-examination, by judge advocate, here closed.

Direct examination by the counsel resumed:

1st question. How often and how much did you drink when you were upon that expedition with Captain Soule?

Answer. I drank twice, and very little.

LIPMAN MEYER.

Sworn and subscribed to before me this 7th day of April, A. D. 1865.

JOHN C. ANDERSON,

*Captain Veteran Battalion First Colorado Cavalry,
Assistant Commissary of Musters, and Judge Advocate.*

Witness: ALFRED SAYRE.

I, Jno. C. Anderson, captain veteran battalion first Colorado cavalry, judge advocate, Territory of Colorado, district of the plains, do certify on honor, that, previous to the commencement of the examination of Mr. L. Meyer, he, the said L. Meyer, was duly sworn by me to testify to the truth and nothing but the truth, so far as he should be interrogated.

The foregoing deposition was taken in my office, in the city of Denver, county of Arapahoe, Territory of Colorado, on the 7th day of April, A. D. 1865; and that after said deposition was taken by me as aforesaid, the interrogatories and answers thereto, as written down, were read over to the said witness, and that thereupon the same was signed and sworn to by the said deponent, L. Meyer, before me, the oath being administered by me, at the place and on the day and year last aforesaid.

JOHN C. ANDERSON,
*Captain Veteran Battalion First Colorado Cavalry,
A. C. M., and Judge Advocate.*

[Indorsements on the above paper.]

DENVER, COLORADO TERRITORY, *April 7, 1865.*

Evidence of Lipman Meyer, concerning the Sand creek affair, taken in absence of the military commission, by Captain John C. Anderson, veteran battalion first Colorado cavalry, judge advocate, district of Colorado, on the 7th day of April, 1865.

HEADQUARTERS DISTRICT OF COLORADO,
Denver, April 8, 1865.

Respectfully forwarded to Brigadier General Connor, commanding district of the plains.

T. MOONLIGHT.
Colonel Eleventh Cavalry, Commanding.

HEADQUARTERS DISTRICT OF THE PLAINS,
Denver, April 10, 1865.

Respectfully forwarded to Captain George H. Stilwell, veteran battalion first Colorado cavalry, recorder of military commission.

By command :

GEORGE F. PRICE,
Acting Assistant Adjutant General.

I object to receiving, as evidence, the deposition of L. Meyer, for the following reasons :

1st. The order of Colonel Moonlight, district commander, directing Captain Anderson to take deposition of L. Meyer, instructs him to have the evidence of one L. Meyer taken regarding the Sand creek affair, to which the deposition has no reference, but refers to a scout made afterwards, and therefore is not relevant to the matter of this investigation.

2d. It is evident that this witness has been introduced to testify that Captain Soule, on that scout, "was afraid, got drunk, and stole blankets;" also that he refused to send men in advance, when he, Meyer, insisted upon his doing so—to push recklessly into the heart of the Indian country, when his (Soule's) command was so small as hardly to justify his leaving camp, and, under circumstances requiring the greatest caution, would have been criminal, and his failing to do so is no evidence that he (Soule) was afraid.

3d. Because it is evident that this deposition has been taken for the purpose of blackening the character of Captain Soule, to accuse him of drunkenness, and neglect of duty—this officer, who, since he was introduced before this commission as a witness, has been assassinated, twice before attempted, often threatened, and at last successful in his being instantly killed.

4th. The said Captain Soule has been known to the undersigned for several years, and there is not in my opinion any reason to suspect him of being guilty of the charges alleged against him in the deposition of L. Meyer.

5th. For the reason that Captain Soule having been introduced before this commission to testify in regard to the Sand creek affair, has been made subject to threats and assaults against his life, and as appears from annexed statement of Captain Price, who had a conversation with the deceased in reference to the affair of Sand creek, that Captain Soule had reason to believe that his assassination had been determined on, and that attempts would be made to blacken his character after his death, on account of certain evidence given by him, the undersigned Captain Soule, before this commission;

"During the latter part of March, 1865, Captain Silas S. Soule and myself were riding in a buggy from Denver, Colorado Territory, to Central City, Colorado Territory. In a conversation had on that occasion, he referred to the affair at Sand creek, Colorado Territory, and the nature of his testimony about it; that he fully expected to be killed on account of that testimony; that he was also fully satisfied, after they had killed him, his character would be assailed, and an attempt made to destroy his testimony before a certain commission instructed to take testimony concerning the said Sand creek affair.

"I testified the above in substance before a certain coroner's jury held in this town over the body of Captain Silas S. Soule, who was assassinated in the streets of Denver on the night of April 23, 1865.

"GEORGE F. PRICE,

"Captain Second California Cavalry, Denver City, C. T.,

"District Inspector and A. A. A. General.

"MAY 3, 1865."

Therefore I object to receive as evidence the deposition of the said L. Meyer.

SAMUEL F. TAPPAN,

Lieut. Colonel Vet. Batt., First Colorado Cavalry,

President Military Commission.

The following protest was filed by J. M. Chivington:

To the president and members of the military commission convened as per Special Orders No. 23, headquarters district of Colorado:

I protest against the objections made by Lieutenant Colonel S. F. Tappan, president of said commission—

1st. That the action of the president of this commission in going inside of the record in making his objections, by relating conversations, &c., related by others, is, to say the least, manifesting an interest in the disposition of this case that does not accord with the presumption we must entertain of his impartial feelings in regard to the matter.

2d. That the evidence of Mr. Meyer, a person who was with Captain Soule, and who testified in compliance with orders, &c., from the general commanding, as given before Captain Soule's death, and to Captain Soule's knowledge, while they, Soule and Meyer, were both in Denver; that the intimations thrown out by the president of this commission in regard to the death of Captain Soule, calling it "an assassination," when it is well known that Captain Soule was killed by one Squires, a soldier of the second Colorado cavalry, which Squires admitted before he made his escape, is, to say the least, not becoming the dignity of one holding the position of president of a tribunal such as this commission is supposed to be, and appears to me more like malice than a desire to fairly meet to the question. Hoping such is not the case,

I remain, respectfully,

J. M. CHIVINGTON.

Commission rooms were cleared for discussion. Commission adjourned until 10 a. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

(The objection of Lieutenant Colonel Samuel F. Tappan, president of the commission, relative to deposition of one L. Meyer, sustained by the commission.)

T. G. CREE, late captain third Colorado cavalry, introduced by J. M. Chivington, to give evidence. The oath being administered according to law, he (Cree) testified as follows:

Question. What is your name, and what position have you occupied in the army for the last three years? State particularly.

Answer. Theodore G. Cree. I have been in the army part of the time as an officer, both in the States and Colorado Territory. Very near three years ago I went into the army as second lieutenant after the battle of Vicksburg, promoted to captain in the 23d Iowa infantry. On the 27th of August, 1863, I resigned on account of ill health, and came to this country. In the latter part of July, (I think it was,) 1864, upon the request of Governor Evans, of Colorado, I raised a company for the third Colorado cavalry. I held the position of captain until mustered out on account of expiration of time of service.

Question. Did you have any conversation with Major Anthony, commanding Fort Lyon, or other officers, in regard to the propriety of attacking the Indians at Sand creek, either before or after the battle of Sand creek? If so, state what that conversation was.

Answer. I had a conversation with Major Anthony after the battle of Sand creek, at the last camp down the Arkansas, I think about one hundred miles below Fort Lyon. Colonel Chivington was talking of moving back, and not pursuing the Indians; and further, I was talking with Major Anthony in his tent about the propriety of going back, and he said that he was very much opposed to it, and said he should do all he could to prevent it. He said that we had done a good thing, and he believed in following it up; that he knew about where their camp was or where they made their headquarters, and he thought we could catch them. That is about all the conversation I had with him in regard to that matter.

Question. Do you remember anything else Major Anthony said in regard to the Indians at Sand creek? If so, state it.

Answer. I don't recollect anything else he said; I did not pay much attention to what he said at the time; I thought he was about two-thirds right.

Question. On your return toward Denver, and while at Colonel Bent's ranch, at the mouth of the Purgatory, did you have a conversation with any officer in regard to Colonel Chivington; and if so, what was that conversation, and who was the officer or officers?

Answer. I had a conversation there with Lieutenant Cramer in regard to Colonel Chivington and officers of the third. I don't recollect all the conversation that occurred there. I recollect of his saying that all that Colonel Chivington was working for was a brigadier general's commission, and that he did not care how many lives he lost in getting it so that he got it; and that we (meaning himself and I don't know who else) were going to crush him if we could. He said he thought they could make a massacre out of the Sand creek affair and crush him. I asked him what Colonel Chivington had done to him to make him hate him so. He said that he did not know that he had done anything. He said he would like to see the Indians killed just as much as we would. He said that they had got their play in on Chivington and they were going to play it. Then I told him that there was no use of our discussing that question, as we would only make enemies of ourselves, and I thought it was best for us not to say anything more about it. The rest of our talk was not in connection with this affair.

Question. Did you have any conversation with Cramer in regard to the guerrillas that were killed?

(Question objected to by Lieutenant Colonel Tappan, president of the commission, on the ground of its being leading.)

Objection sustained by the commission.)

Question. Did you have any conversation with Cramer in regard to guerillas? If so, what was the conversation? State particularly.

Answer. I had some conversation with him in regard to guerillas. They were known by the name of Reynolds's party. He wanted to know what my orders were in relation to them. I told him my orders were to take them to Captain Gray's camp on the Arkansas and to turn them over to him, and he was to take them to Fort Lyon. Then he wanted to know what was done with them; I told him that they died for the want of breath; he said that was another murder of Colonel Chivington's. I asked him how he knew; he said he did not know for certain, but he thought it was done to enable him to get his brigadier's traps. I told him he was badly mistaken; that I took that all on myself. He said that he did not like to dispute my word, but that he could not think otherwise but what it was orders from Chivington. I told him I could not help what he thought; that is about all that was said in reference to them. He said he hoped they were in heaven; I said I hoped so too, as I thought they would be better off there than in this country.

Question. Did you, at any time during that conversation with Cramer, state that the guerillas were killed by Chivington's orders?

Answer. I did not.

Question. Upon your arrival at Colonel Bent's with your detachment, did you take command of all the troops at that place? If so, state what you did.

Answer. I took command of the troops that were there as soon as I arrived. I gave Lieutenant Cramer an order to report at Fort Lyon in his own district the next morning. I also gave the lieutenant commanding detachment of third regiment orders to report to his command at Bent's old fort.

Question. Did Lieutenant Cramer obey the order you gave him?

Answer. I suppose he did. He left there the next morning the same time I left.

Question. Did Lieutenant Cramer make any remarks to you concerning the order you gave him?

Answer. No.

Direct examination of T. G. Cree by J. M. Chivington closed.

Cross-examination of T. G. Cree, by the commission:

Question. What was the date of your muster into the service as captain third Colorado cavalry, and the date of your muster out?

Answer. Mustered in, I think, the 20th of August, 1864. Mustered out the 28th of December, (I think it was,) 1864.

Question. Who were present at Colonel Bent's during the conversation you had with Lieutenant Cramer?

Answer. Colonel Bent. He was there part of the time, and a part of the time we were alone. Part of the time Lieutenant Graham was present.

Question. How many of Reynolds's party were you ordered to take to Camp Fillmore?

Answer. Five, I believe.

Question. Where and from whom did you receive these prisoners?

(J. M. Chivington objects to the question, for the reason that the court has no right to cross-examine in relation to new matter not called out in the examination in chief.)

Objection sustained by the commission.)

Question. What did you tell Lieutenant Cramer you had done with these prisoners?

Answer. I did not tell him I had done anything with them.

Question. In what manner, and by what authority, did you assume command of all the troops at Colonel Bent's?

Answer. I assumed command by order of Colonel Shoup, commanding the troops on their way up to Denver.

Question. Did Lieutenant Cramer report to you for orders?

Answer. He did not.

Question. Did Lieutenant Cramer say the Indians at Sand creek were under the protection of the government, as a reason for his denouncing the fight as a murder or massacre?

(J. M. Chivington objects to the question, on the ground that it is new matter, not called on the examination in chief, and therefore illegal.

Objection sustained by the commission.)

Question. What did you tell Lieutenant Cramer you took all on yourself?

Answer. In regard to disposing of those "guerillas."

Question. Did you refer to the killing of them?

(J. M. Chivington objects to the question, for the reason that the witness has not stated anything in regard to the killing of the guerillas, therefore this is new matter and illegal.

Objection sustained by the commission.)

Question. In your conversation with Lieutenant Cramer, who did you refer to as having died for the want of breath?

Answer. I referred to James Reynolds and his guerilla party.

Cross-examination of T. G. Cree by the commission closed.

Re-examination:

No questions asked.

Commission adjourned until 8½ a. m. to morrow, May 6, 1865.

FIFTY-SEVENTH DAY.

MAY 6, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of yesterday read and approved.

S. P. ASHCRAFT introduced by J. M. Chivington to give evidence. The oath being administered according to law, he (Ashcraft) testified as follows:

Question. What is your full name, and how long have you lived in what is now known as Colorado Territory, and how long have you been acquainted with the Indians of the plains?

Answer. Samuel Plummer Ashcraft; I have been in Colorado Territory since 1857; I have known the Indians of the plains since 1847.

Question. What have been your means of knowledge of the Indians of the plains? State particularly.

Answer. I have been with them and traded with them; as for the Sioux Indians, I expect I understand them about as well as any person in the country. The Cheyennes, I expect I understand their ways and actions as well as the Sioux, but I do not speak their language as well.

Question. Do you know whether or not the Cheyenne and Sioux Indians have been at war with the whites? If yes, please state your first knowledge of it—particularly, as well as you know, of their hostile acts.

Answer. Yes, I know they were at war with the whites, and more than that, I know that they commenced the war with the whites. In the first part of this war, some sixteen or eighteen Cheyennes came from some place on the headwaters of Beaver creek, and came into Frémont's Orchard; a day or two, I think, before they came in, they took some horses and mules from a man, who came in and reported the fact to Captain Sanborn. Captain Sanborn sent out Lieutenant Dunn with a squad of men—I don't know how many, I

ask fifteen Under what orders Lieutenant Dunn was, I do not know. When Lieutenant Dunn found these Indians near Frémont's Orchard, on the north side of the South Platte, he went to them and ordered them to give up their arms; his men dismounted to take their arms. They gave up one gun and a single barrelled pistol. The Indians then turned and fired. I suppose they fired three or four shots before the soldiers fired; one of their men that died was shot before the soldiers fired. They had a fight there, which lasted probably an hour and a half. Lieutenant Dunn had two men killed, and four wounded. The Indians had two of their number wounded, none killed.

Question. Did you hear any rumors of hostility from the Indians toward the whites before this?

Answer. Yes; the winter before. All winter I heard it from the Indians three or four different times.

Question. State what you heard from the Indians.

Answer. The Sioux told me that the Cheyennes had been talking of war with the whites all winter. They said that they (the Cheyennes) were going to war against the whites on the road in the spring; that they were going to clean out the ranchmen that were on the road. (They came mighty near telling the truth, too.)

Question. What is your means of knowledge of the facts concerning the fight Lieutenant Dunn had with the Indians near Frémont's Orchard; did you see the fight, or only hear of it through others?

Answer. I only heard of it through others.

Question. Do you know of any acts of hostility perpetrated by the Indians upon the whites; if yes, please state what those acts were, and what Indians perpetrated them?

Answer. I know that they killed men and drove off stock. They drove off some of my stock and killed one of my men, the next after they had the fight with Lieutenant Dunn.

Direct examination of Samuel P. Ashcraft by J. M. Chivington closed.

Cross-examination of Samuel P. Ashcraft by the commission:

Question. Where do you at present reside?

Answer. I live about fifty miles below here on the Platte. I also have a ranch one hundred miles below here on the Platte. I live there part of the time.

Question. When did the Sioux Indians come into what is now known as Colorado Territory?

Answer. I don't recollect. Before '47 they were in this country.

Question. Are you acquainted with all the Cheyennes?

Answer. I am acquainted with all the different bands of Cheyennes.

Question. Into how many bands were the Cheyennes divided?

Answer. Four bands of them.

Question. Of what band were those Indians who had the fight with Lieutenant Dunn?

Answer. They were a part of Black Kettle's band.

Question. Were they what is known as Dog soldiers?

Answer. They were not. The Dog soldiers are Bull Bear's band.

Question. How many horses and mules did these Indians steal before crossing the South Platte at Frémont's Orchard?

Answer. I am not positive of more than two.

Question. Where is Beaver creek—head-waters of it?

Answer. It heads under the divide between the Platte and Arkansas, and flows into the Platte. The head of it is about eighty-five miles southeast from here.

Question. What is your means of knowledge that the Cheyennes stole a horse and a mule before reaching Frémont's Orchard?

Answer. They acknowledged it. They said that they had found them, and the man they were taken from said they stole them.

Question. What did the Indians do with the horse and mule?

Answer. One of them the soldiers got, the other they kept.

Question. Was the taking of this horse and mule the commencement of the Indian difficulties?

Answer. I do not think it was. They claimed that the whites were beating them out of their land. They were dissatisfied with the Boone treaty. I think this treaty was in the spring of 1861.

Question. Was the taking of this horse the first hostile act of the Indians against the whites?

Answer. Yes.

Question. Was this considered by the people an act of war, or the commencement of war by the Indians against the whites?

(John M. Chivington most respectfully objects to the question for the reason that the opinion of Mr. Ashcraft is not proper; that the court has commenced the examination of the witness on new matter, and that the witness has stated the knowledge he has of the facts is from others.

Objection sustained by the commission.)

Question. What bands of the Cheyennes were referred to by the Sioux as intending to make war upon the whites?

Answer. All of them. They were all then in the village.

Question. Is what you have stated your only means of information that the Cheyennes intended to make war upon the whites?

Answer. Yes. My information came through the Indians.

Cross-examination of Samuel P. Ashcraft by the commission closed.

Re-examination of Samuel P. Ashcraft:

By J. M. CHIVINGTON:

Question. What is your means of knowledge of the fight between Lieutenant Dunn and the Indians, and the stealing of horse and mule or horses and mules; is it from others, or did you see these things?

Answer. Only from the Indians and the whites.

Re-examination of Samuel P. Ashcraft closed.

Commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

STEPHEN DECATUR introduced by J. M. Chivington to give evidence. The oath being administered according to law, he (Decatur) testified as follows:

Question. What is your full name, and are you acquainted with the habits and customs of Indians. If yes, state how long you have been acquainted, and what your means of knowledge were?

Answer. Stephen Decatur. I lived among the Indians nearly seven years.

Question. Where were you on the 29th day of November, 1864? Have you been in the army?

Answer. I was at Sand creek. I served in the Mexican war, and also in the one hundred day regiment of Colorado, (third regiment of Colorado cavalry.)

Question. Please state particularly what occurred at Sand creek of your own knowledge only.

Answer. We came in sight of the village about daylight, or a little after. I think it was about sunrise, or a little after, when our company was ordered to halt in the bed of the creek, by Colonel Chivington, and strip for the fight. We then moved up a short distance and unlimbered, (I belonged to Captain

gan's company, C, artillery,) and commenced throwing shell. I was not in the company all the time, for the reason that Lieutenant Colonel Bowen requested me to act as his battalion adjutant. This firing took place near upper end of the village; after firing a few rounds the company was ordered forward, and we took a position about three-quarters of a mile above the village; which place, and near there, I remained the principal part of the day. I saw a man lying dead, partially under his horse, in the village. I saw a number wounded passing up to the ambulances. I saw one fellow with a squaw woman and a child. He asked what he should do with them. I told him to take them up to headquarters. To sum it all up in brief, that was my fourth day of the battle, and I never saw harder fighting on both sides in my life. The next day after the battle I went over the battle-ground, in the capacity of clerk, for Lieutenant Colonel Bowen, and counted four hundred and fifty dead Indian warriors. I will here explain that a question was raised in camp what chiefs were killed. Lieutenant Colonel Bowen took an escort of troops and went over the battle-ground. John Smith was taken along to recognize the chiefs and the principal warriors that were killed, I acting as clerk, and I took pleasure in going, as the thing before, while the village was being burned, (which was not all completely destroyed when I came back to camp, which was in the Indian village,) and that which made me feel as though I should have liked to have spent a little more time fighting. As I was going out to get some of the lodge-poles for wood, I saw some of the men opening bundles or bales. I saw them take from a number of white persons' scalps—men's, women's, and children's; and daguerreotypes, ladies' wearing apparel and white children's, and saw part of a lady's toilet and one box of rouge, also a box containing a powder puff. I saw one scalp of a white woman in particular that I want to describe to you. It had been taken entirely off the head; the head had been skinned, taking all the hair; the scalp had been tanned to preserve it; the hair was auburn and was in ringlets; it was very long hair. There were two holes in the scalp in the back, for the purpose of tying it on their heads when they appeared in the dance. Seeing all these things made me anxious to go over the battle-ground and see how many we had killed. I saw, comparatively speaking, a large number of women killed. They were in the rifle-pits. (The most of them where it would have been impossible to have avoided killing them if we had been ever so much disposed to save them.) After going over the main battle-ground we returned to the village, and I did all I could to destroy their stores. That is, in brief, what I saw on the 29th and 30th of last November at Sand creek. There is one matter that occurs to me just at this moment: Just after our artillery had ceased firing, I saw an acquaintance in the bed of the creek, and I told him he was in a dangerous place, and asked him what he was going to do, and (I thought I would have a little fun on my own hook) he said there was an Indian in a hole under the bank that could talk English, (this was my reply to me,) and I started to go to him; just as I got near the edge of the creek he halloed out to me not to come down there, for the Indian would shoot at me. As I turned on my heel to go away from the bank, I heard a voice under the bank say, "Come on, you God damn white sons of bitches, and kill me if you are a brave man."

Question. Were the scalps you speak of the scalps of white men, women, and children?

Answer. Yes, they were.

Question. Had the Indians prepared any rifle-pits, or other means of defence, at your arrival at the village on Sand creek, on the 29th day of November, 1864?

Answer. They must have done it, as there were holes longer and deeper than we could have dug after we attacked them in the morning. That is my best opinion.

Question. Describe these rifle-pits, how they were constructed, and where dug.

Answer. They were dug under the banks, and in the bed of the creek, and, in fact, all over, where there was a little mound or bunch of grass or weeds favorable for concealment. They were dug with hoes or shovels large enough for a man to operate in, from three to four feet wide, some six feet long and longer. That is my recollection of it now. I did not measure them. I thought at the time that they must have been dug, for the reason that at the first camp from the battle-field I found some of the same kind of pits, where they (the Indians) had camped quite recently before.

Question. Were you at the village when the attack was first made by the troops on the Indians?

Answer. I was not quite in the village; I saw it.

Direct examination of Stephen Decatur, by J. M. Chivington, closed.

Cross-examination of Stephen Decatur, by the commission:

Question. Where do you reside?

Answer. In Denver.

Question. What position did you hold in the third regiment?

Answer. Commissary sergeant of company C.

Question. You say you counted four hundred and fifty dead Indian warriors. Where did you find these dead Indians?

Answer. Scattered promiscuously over the battle-ground.

Question. How large was the battle-ground?

Answer. It was pretty extensive. We, I should think, went up the creek about three miles, as near as I could judge from the time we rode.

Question. Did you ride all over the battle-ground?

Answer. There was one portion of the battle-ground that I did not go on. John Smith had recognized Black Kettle, Little Robe, and White Antelope, and the near approach of night caused the lieutenant colonel to return to camp.

Question. Who accompanied you?

Answer. Lieutenant Colonel Bowen, in command, and Lieutenant De La Mar, in command of the escort, and John Smith, who I understand was the Indian interpreter at Fort Lyon, whom we found in the village trading with the Indians.

Question. At what time did you start out to ride over the battle-field to count the dead?

Answer. My impression now is that it was between two and three o'clock in the afternoon of the 30th of November, 1864.

Question. At what time did you return to camp?

Answer. Not a great while before night; about time to eat a little, and fix my bed, before it was dark.

Question. Was it during this ride you saw the four hundred and fifty dead Indian warriors?

Answer. Yes, the ride on the 30th, I said.

Question. Who did the counting of the dead for the party?

Answer. I counted on my own hook, for my own satisfaction.

Question. On which side of the creek did you see the dead Indians?

Answer. I saw them on both sides, and in the bed of the creek.

Question. Did you ride up one side of the creek and down the other?

Answer. Our route took us up angling across from one bank to the other, and coming back we returned on the east side of the bank nearly all the way on the prairie. I do not know that my knowledge of the points of the compass is right, but we returned on the side next to Fort Lyon.

Question. How many did you see on the east side of the creek?

Answer. I did not keep an account of their exact whereabouts. I did not

ect to be called upon at any time to give any testimony in regard to it before a military commission.

Question. Were there any dead Indians on the east side of the creek?

Answer. If the east side is next to Fort Lyon, there were.

Question. How many, or what proportion of the whole number, did you see on the east side of the creek?

Answer. On what I call the east side, on the prairie, i. e., out of the bed of the creek, there was only a small proportion of the four hundred and fifty.

Question. How many or what proportion of the whole number did you see on the west side of the creek?

Answer. I cannot say, as I did not think at the time of remembering their whereabouts or their particular position on the battle-field.

Question. Did you see any dead Indians in the bed of the creek?

Answer. Yes, plenty of them.

Question. How many did you see in the bed of the creek?

Answer. I don't recollect what proportion were in the bed of the creek, but most of the whole number I saw were in the bed of the creek.

Question. How far above the village did you see the dead Indians?

Answer. I commenced counting at the village and about three miles or thereabouts up the creek, and counted on my return those that lay upon the prairie.

Question. Did the Indians appear as having been disturbed after they were killed?

J. M. Chivington most respectfully objects to the question for the following reasons: That the question is in relation to new matter which was not called by the examination in chief; that it is therefore illegal and improper. The witness, in his examination in chief, did not state, nor was he asked, anything about the Indians, whether they were disturbed or not.)

Commission rooms were cleared for deliberation.

Commission adjourned until 9 a. m. Monday, May 8, 1865.

FIFTY-EIGHTH DAY.

MAY 8, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of yesterday read and approved.

The objection of J. M. Chivington not having been decided, the commission rooms were cleared for deliberation.

Commission rooms again opened and the following decision of the commission announced, viz:

The objection of J. M. Chivington to question before adjournment, Saturday, May 6, 1865, not sustained by the commission.

The following request was filed by J. M. Chivington:

That the president and members of the military commission convened in pursuance of Special Orders No. 23, headquarters district Colorado, &c.:

We would most respectfully request of the commission that they would have the following persons summoned immediately, to testify to the subject-matter of this investigation.

Jay J. Johnson, Central City; D. H. Nichols, Boulder; Hal. Sayre, Central City; C. C. Hawley, Central City; Dr. James Bell, Idaho; David Ripley, elder; Alexander F. Safely, company C, veteran battalion first Colorado cavalry.

J. M. CHIVINGTON.

MAY 8, 1865.

Cross-examination of Stephen Decatur by the commission, continued:

Answer to last question before adjournment, Saturday, May 6, 1865. They did appear to have been disturbed, some of them, not all.

Question. What Indians have you lived among for nearly seven years.

Answer. The Omahas, Ottoes and Missourias, Pawnees, Poncas, Santee, Sioux, and Yancton Sioux; I resided at Bellevue, Nebraska Territory. I became intimately acquainted with the Omaha language, and well enough acquainted with the language of all the rest to trade with them.

Question. What acquaintance have you with the Cheyennes and Arapahoes of the Upper Arkansas agency?

Answer. No personal acquaintance with them, only at Sand creek.

Question. You say Sand creek was your fourth battle, name the other three?

Answer. Battle of Brazito, Sacramento, about eleven or fifteen miles north of the city of Chihuahua, and in the State of Chihuahua. The next was an Indian fight which occurred at a ranch about fifteen or twenty miles north of the city of Paras. It was with the White Lipans or Comanches. I have seen the White Lipans or Comanches scalp their own men to prevent their scalps from being taken by the whites.

Question. You say your name is Stephen Decatur; are you a descendant of the celebrated commodore of that name?

Answer. I am distantly connected.

Question. How do you know the scalps you saw were those of white men, women, and children?

Answer. By the color and fineness of their hair; I never saw an Indian with auburn hair in my life.

Question. How do you know the wearing apparel you saw in Black Kettle's camp was that of white women and children?

Answer. I know the habits and customs of the Indians, especially the wild Indians of the plains, well enough to know their prejudices against the wearing apparel of the whites. I know that they had no person among them well skilled enough to make the dresses I saw there.

Question. Are not the Cheyennes an exception to that rule? Have they not for years employed white women to make dresses for their women and children, and received dress goods from their agent?

Answer. I don't know what has been given to them by their agents.

Question. Were not the tanned scalps you speak of as being auburn of a dull rusty color, very coarse in texture, and formerly of a dark color, but faded by age?

Answer. No.

Question. What became of that scalp?

Answer. I do not know.

Question. Have you seen it since the time you speak of?

Answer. No. I heard that it was in town, and heard that it was in Boulder district somewhere, but I have not seen it.

Question. How near did you ride to the four hundred and fifty dead Indian warriors, on the 30th of November last?

Answer. Near enough to count them and be positive.

Question. Did you keep a tally of the dead Indians as you passed them?

Answer. Every time I counted a hundred I dotted them down on my thumb-nail. I will here state that the reason I was so particular in counting is this: I was at the house of Mrs. Hungate only a few days before she was murdered, and I became attached to her and her babes, and I wished her friends to know how many of the bloody villains we had killed.

Question. Did you see the bodies of Black Kettle, White Antelope, Little Robe, and other chiefs as you rode over the field?

Answer. I did, if John Smith told the truth. He pointed out what he said were the bodies of White Antelope, Black Kettle, and Little Robe.

Question. Did you or your party scalp or mutilate these dead Indians?

(John M. Chivington most respectfully objects to the question, for the following reasons: That, like the question in relation to the white women employed by the savages, and the dress-goods issued to the Indians, it is irrelevant and improper; that it is examining on new matter, which is improper on a cross-examination, and to which we would have objected when the inquiry was made in regard to the white women employed by the savages, but we thought the question so ridiculous to a person at all acquainted with the Indians that we did not object, though if that led to the present question, we claim not to have lost any right that we may have to object to the present question.)

Commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all the members and recorder.

The objection of J. M. Chivington before adjournment this a. m. overruled by the commission.

Answer. So far as I am concerned, I do not think I am a competent witness to exculpate or criminate myself. So far as any gentleman of the party is concerned, I saw no mutilating or scalping by any of them.

Question. Have you now, or have you had since the 29th of November, 1864, in your possession, as trophies of Sand creek, ears brought here to present to any person?

(John M. Chivington most respectfully objects to the question, for the following reasons: That the question relates to new matter and is therefore improper, having no right in a cross-examination to inquire into anything except that which was called out by the defence.

Objection sustained by the commission.)

Question. What were the depth, location, and number of the holes you saw at Sand creek, and call rifle-pits?

Answer. There were a great many of them, I did not count the number; they were deep enough for men to lie down and conceal themselves, and load their guns in; some of them I should think were deeper than three feet. They were under the banks and in every possible place where any degree of concealment could be afforded in the bed of the creek. They were all in the bed of the creek. I saw none on the high prairie. They were above the village.

Question. What is the character of the soil in Sand creek where you saw the holes or rifle-pits?

Answer. Sandy, with strata of hard baked gravel.

Question. You say you saw some similar holes at a former and abandoned camp of Indians; state how many of these holes you saw, and if these holes are not common in the Cheyenne camps, constructed for domestic purposes?

Answer. In all Indian villages in which I have been, they usually dug holes for the purpose of cooking meat. Those holes are dug in the village, in the confines of the village, near the lodges. They do not go a mile or a half mile from camp; but these holes I saw were not for cooking purposes, unless they cooked on a larger scale than any Indians I ever saw or knew.

Question. What became of the scalps you saw in the camp, and who saw them besides yourself?

Answer. They were in the possession of various ones; I saw some of them a number of times in the road. I would know the men if I saw them, but I do not know their names; I can find out, I think, if the court desires it.

Question. Have you ever gone by any other name than that of Stephen Decatur?

(J. M. Chivington most respectfully objects to the question, for the following reasons: That the question is insulting to the witness, and the court, instead of

putting such questions, should protect the witness from them; that the question is irrelevant and improper, not pertaining to the subject-matter of this investigation, upon which the court has recently decided that such evidence is improper; that the witness has been introduced to testify in regard to Sand creek and not regarding his own private matters; that it is immaterial to this court whether the witness goes by one name or another. Though the Indians might have called him by another name than Decatur, the custom is a common one, known to all white men in this Territory, when coming in contact with Indians.

Commission rooms were cleared for discussion.

Commission rooms opened.

Objection of J. M. Chivington overruled by the commission.)

Answer. Not among white men; it is customary among Indians to give their traders an Indian name.

Question. Did the Indians, or others, ever call you by the name of Bross?

Answer. No.

Cross-examination of Stephen Decatur by the commission closed.

Re-examination of Stephen Decatur.

By J. M. CHIVINGTON:

Question. You stated you wished to make an amendment to your testimony; you will please do it now.

Answer. I said this morning that a great deal had been said about a white flag—about the Indians sending out a white flag, a flag of truce. I saw none.

Question. Was there anything occurred, or any conversation had by any person, in regard to a white flag? If so, please state what that was particularly.

Answer. I never had any conversation with any one, only a short time since, and that was with Captain McCannon, and what I saw charged in the paper, "that we had fired on the Indians after they had exhibited a white flag." I don't recollect of having any conversation with any one about it, except Captain McCannon.

Question. If there had been a white flag shown by the Indians, would you have seen it?

Answer. Yes, I think I would.

Re-examination of Stephen Decatur closed.

Commission adjourned until 9 a. m. to-morrow, May 9, 1865.

FIFTY-NINTH DAY.

MAY 9, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of yesterday read and approved.

HENRY H. HEWITT introduced by J. M. Chivington to give evidence. The oath being administered according to law, he (Hewitt) testified as follows:

Question. What has been your occupation during the past eight months? If in the army, what position did you occupy, &c.?

Answer. On the 17th day of September, 1864, I was mustered into the service as second lieutenant, company I, third Colorado cavalry, (one-hundred-day men,) and served in that capacity for the period of one hundred days.

Question. In your official capacity did you or not receive any ponies, &c. said to be captured at the battle of Sand creek? If so, state the particulars.

Answer. I did. While in command of a detachment of the third Colorado cavalry, en route to Fort Lyon, on or about the 5th day of December, 1864, while camping at Boone's ranch, I received information that one Duncan McKee and some Mexicans of Lieutenant Antobe's detachment, had run off some ponies and mules while the fight was progressing at Sand creek. Thinking it

y duty to inquire into the matter, I took a detachment of men and proceeded across the Arkansas river to Charles Antobe's ranch, and surrounded the corral to prevent the escape of men and stock, if there concealed. I went into the corral and found Duncan McKeith in a room adjoining the corral, who informed me that he had driven off between sixty and seventy head of ponies and mules while the battle was progressing at Sand creek; that he did this by order of Lieutenant Antobe, and that Lieutenant Antobe said to him that both colonels Chivington and Shoup knew that the stock was driven off, and raised no objection to it. I took Duncan McKeith and four Mexicans (names not now recollected) in charge, and seized between sixty and seventy head of ponies and mules, and drove them across the Arkansas river to Boone's ranche, where I placed them under guard. On the following morning I started with the ponies and mules and Mexicans, with Duncan McKeith, for Fort Lyon, where I arrived on the 8th or 9th of December, 1864; on arriving at Fort Lyon, I found from general conversation with officers and soldiers at the fort that the ponies and mules had been stolen while the battle of Sand creek was progressing; also, that another herd had been driven over on the Cimaron, towards New Mexico. Colonel Chivington arrived at Fort Lyon from pursuit of the Indians, after the battle of Sand creek, (as I was informed by different persons,) the second night after my arrival at Fort Lyon. I reported to Colonel Chivington my action in seizing the ponies, mules, and men in charge. His reply was, "You have done perfectly right; I am glad you did it; the men had no authority from myself or Colonel Shoup to drive the stock off when they did. Lieutenant Antobe was instructed to drive the captured stock to Fort Lyon." I turned in the stock which I took at Antobe's ranch, except four or five head that were re-stolen, and two head that gave out on the road, to Lieutenant C. M. Cossitt, acting quartermaster at Fort Lyon, taking his receipt therefor. That, I think, comprises all I can say on that question. I will say this: Colonel Chivington said to me, "that it was a scandal, that while the troops were fighting the Indians, some scoundrels should shrink to plunder," or words to that effect. Colonel Chivington ordered me (verbally) to report with my detachment to Colonel Shoup, in command of third Colorado cavalry, which I did the day following.

Direct examination of Henry H. Hewitt by J. M. Chivington closed.

Cross-examination of Henry H. Hewitt, by the commission:

Question. Were the parties you have mentioned as driving off or stealing the stock a portion of Colonel Chivington's command?

Answer. They were; so they informed me.

Question. Did Colonels Chivington or Shoup ever place these parties under arrest, and bring them to punishment for their acts?

Answer. I do not know.

Question. Were these ponies and mules included in the number reported captured from the Indians, by Colonel Chivington?

Answer. I cannot say, from my own knowledge; I was not present at the battle of Sand creek.

Question. Did Lieutenant Cossitt give you a memorandum receipt for the ponies?

Answer. He did, for the ponies and mules.

Question. Did you take this stock upon your returns as government property, and account for it as turned over to Lieutenant Cossitt?

Answer. I made a report to Colonel Shoup of the stock, but not to the Quartermaster General, from the fact that I did not consider (never having receipted for the stock) that I was required to make a report to the Quartermaster General. I merely took Lieutenant Cossitt's memorandum receipt for my own protection.

I also made a report in writing to Lieutenant Charles Wheeler, acting assistant adjutant general of the district of Colorado.

Cross-examination of Henry H. Hewitt by the commission closed.

Re-examination of Henry H. Hewitt :

No questions asked.

The following copy of request and affidavit filed by J. M. Chivington :

To the president and members of the military commission convened at Denver, Colorado Territory, in pursuance of Special Orders No. 23, headquarters District of Colorado, &c. :

GENTLEMEN : We would most respectfully request that you summon and cause to appear before your honorable court, without fail, one Alexander Safely, company C, veteran battalion first Colorado cavalry, to testify to all he knows concerning the marches of the troops under command of Colonel J. M. Chivington, first Colorado cavalry, and the battle of Sand creek, fought November 29, 1864, said Safely being an important witness in the investigation of said marches and battle, as will more fully appear by accompanying affidavit.

Most respectfully,

JOHN M. CHIVINGTON,
Late Colonel First Colorado Cavalry.

John M. Chivington, late colonel first Colorado cavalry, being first duly sworn, deposes and says that one Alexander F. Safely, company C, veteran battalion first Colorado cavalry, is material witness in his behalf to show certain facts connected with the marches and battle of Sand creek, before the military commission now convened in Denver, Colorado Territory, in pursuance of Special Orders No. 23, headquarters district of Colorado, &c. ; that the said facts, or all of them, cannot be shown by any other person that I know of at present, and that without the said Alexander F. Safely he would lose very reliable evidence which would materially affect his acts in the eyes of the government; and further deponent saith not.

J. M. CHIVINGTON.

Subscribed and sworn to before me this 9th day of May, 1865.

[SEAL.]

Notary Public.

The recorder is hereby ordered to summon the witnesses as requested by J. M. Chivington.

By order of the commission.

Commission adjourned until 2 o'clock this p. m.

Two p. m.—Commission met, pursuant to adjournment. Present, all members and recorder.

Dr. CALEB S. BIRDSAL introduced by J. M. Chivington to give evidence. The oath being administered according to law, he (Birdsal) testified as follows :

Question. Did you occupy a position in the third regiment Colorado cavalry? If so, what was it, and were you at the battle of Sand creek, fought November 29, 1864?

Answer. I was first assistant surgeon, and I was at the battle of Sand creek.

Question. Did you see any captured or pressed property for any purpose? If yes, please state all the particulars concerning its final disposition, &c.

Answer. On the afternoon of the 29th (after the battle) I went to Colonel Chivington and Colonel Shoup; told them that I was going to take some bullets

bes for the wounded from John Smith's (Indian interpreter and trader) wagon ; at I had no blankets to cover the wounded. I detailed three or four men to go with me, and when I arrived there the larger amount of soldiers were (there were a great number of soldiers there) pitched in and got a large number of robes at the same time. I suppose that they thought every man was helping himself. I can't tell the number I got, as I never counted them, but I should think in the neighborhood of forty. That same evening Colonel Shoup requested me to return John Smith some of the robes to sleep on. I returned five or six, I think. Of the balance of the robes, a portion was stolen from the sick out of the lodges, some were claimed by others on the grounds that they had left them for the use of the wounded, the balance were given to the wounded soldiers.

Question. Did you have any conversation with any parties at Fort Lyon in relation to captured property ? If yes, please state who the parties were and what the conversation was.

Answer. I think I had a conversation once with Major Anthony, first cavalry of Colorado, and Dr. Leas, assistant surgeon on the staff. The major asked me what had become of those robes I took from John Smith ; that John Smith had lost one hundred and fifteen robes, and the government would have to pay twenty dollars apiece for them. Dr. Leas asked me the same question, and wanted to know what had become of two hundred robes I took, and what government would have to pay twenty dollars apiece for them if they were not returned. I remarked wherever they could find any of John Smith's robes to go and take them, as I had other business to attend to.

Question. Did you see any white scalps at Sand creek ? if yes, please state the particulars in regard to them.

Answer. I think it was about three or four o'clock p. m., November 29, the day of the battle, I was in the lodge dressing the wounded ; some man came to the opening of the lodge and halloed to me to look at five or six scalps he had in his hand. I should judge, from a casual look, that they were the scalps of white persons.

Question. Did you see all the wounded of Colonel Chivington's command ? if yes, please state whether, in your professional opinion, any of them were wounded by their own comrades.

Answer. Yes, I saw all the wounded ; my impression is two or three were wounded by their own comrades ; I judge from the size and cavity of the bullet wounds.

Question. Do you know what arms the Indians had, and whether they had the same arms in their possession, and used on the field November 29, 1864, capable of inflicting wounds whose cavities would be as large and deep as any in possession of the troops ?

Answer. I am not capable of answering that, as I did not examine particularly their guns ; I was busy, and was not away from the lodge over ten steps. Direct examination of Dr. Caleb S. Burdsal by J. M. Chivington closed.

Cross-examination of Dr. Caleb S. Burdsal by the commission :

Question. Have you any other reasons than those you have stated for believing some of the wounded were shot by their comrades instead of by the Indians ? if so, what those reasons were.

Answer. The large majority of those that were wounded with balls were wounded in the upper part of the body ; two were wounded in the calf of the leg, and one in the knee ; the cavities were much larger than those shot in the upper part of the body. These are the grounds of my opinion. My impression is that two of the men were under that impression themselves.

Question. Did any of the command exhibit any other scalps than those you have mentioned at the time or afterwards ?

(John M. Chivington most respectfully objects to the question for the following reasons: That it is examining in relation to new matter, which is illegal and improper; that if the court will confine its questions to the inquiry in regard to white scalps we have no objection, but the question in its general form is too hard.

Objection overruled by the commission.)

Answer. I saw scalps in the hands of several after returning from the battle.

Question. Did you ever see an Indian scalp? if so, state what is the difference between it and a white scalp?

(John M. Chivington most respectfully objects to the question for the following reasons: That no inquiry has been made in relation to the difference between white and Indian scalps; that it is new matter; therefore illegal and improper; that the professional opinion of Dr. Burdsal, as an expert, has been asked in regard to wounds, not in regard to scalps.

Objection sustained by the commission.)

Question. What reason have you for saying the scalps you saw in the lodge were those of white persons?

Answer. I judge by the color of the hair.

Question. What was the color of those you saw in the lodge?

Answer. I think there were some white, some sandy brown. I don't think there were any that were very black.

Question. Did not these scalps present the appearance of having faded and changed from their original color by age?

Answer. I think not. My impression is that one or two of them were not more than ten days off of the head.

Question. From what indications do you determine the time not to have been over ten days?

Answer. The skin and flesh attached to the hair appeared to be yet quite moist.

Question. Did you examine these scalps closely?

Answer. Yes; my attention was called to that by others, to decide whether they were fresh or not.

Question. How many wounded were under your charge at Sand creek?

Answer. Thirty-eight. Three of the wounded, after their wounds were dressed, continued with the command down the Arkansas.

Cross-examination of Dr. Caleb Burdsal by the commission closed.

Re-examination: No questions asked.

Commission adjourned until 9 a. m. to-morrow, May 10, 1865.

SIXTIETH DAY.

MAY 10, 1865.

Commission met pursuant to adjournment. Present, all members and recorder.

Proceedings of yesterday read and approved. Commission adjourned until two o'clock p. m. this day.

Two o'clock p. m.—Commission met pursuant to adjournment. Present, majority of the commission. Adjourned until nine o'clock a. m. to-morrow, May 11, 1865.

SIXTY-FIRST DAY.

MAY 11, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of yesterday read and approved.

B. N. FORBES introduced by J. M. Chivington to give evidence. The oath being administered according to law, he (Forbes) testified as follows:

Question. What is your name, and have you been a soldier? If yes, state the regiment and company you served in.

Answer. B. N. Forbes; served in company D, first cavalry of Colorado.

Question. Were you with Major Wynkoop, commanding Fort Lyon, when he led an expedition to the Smoky Hill, about September, 1864, and recovered the white prisoners? If yes, state all that occurred, of your own knowledge, of that expedition.

Answer. Yes, I was with that expedition. I think it was about the middle of September, 1864. When we came in sight of the Indians Major Wynkoop led our command, and sent the chief we had with us, (One-Eye, I think,) as a messenger to the Indians. After he (the Indian) returned, the major turned off to the left about a mile and encamped for the night; next morning resumed the march. After travelling four miles, I should judge, we came in sight of the Indians drawn up in line of battle. The major halted the command; there was a short consultation held between the chief and the major, (it was with Black Kettle, I believe,) after which the command went on and the Indians fell in; travelled that way nearly eight miles and camped. Then there was a consultation held between Major Wynkoop and the Indian chiefs. I do not know what was done in that consultation, I not understanding the Indian language.

Question. How long did you remain in the camp where the consultation was held, and did the Indians come into your camp? State particularly all that occurred in this camp.

Answer. We remained there, I should judge, about six hours. The Indians came into camp, quite a number of them—probably five Indians to one white man. They (the Indians) were armed and equipped. They took some of our provisions out of the wagons, forcibly.

Question. How did the Indians behave toward the troops, as regards peace or war? State particularly.

Answer. They were pretty saucy for friendly Indians. A few that could speak English used pretty hard words. Looking at us, (the troops,) they would say, "Damn you." They kept the troops guarded. If a man would get up to leave his place, two or three Indians would follow him. Whether this was done by the Indians so as to have the best of the men, I don't know. They held their bows strung and their arrows in their hands. They also surrounded the cannon, quite a number of them. Lieutenant Hardin went to Black Kettle and got him to talk to them, (the Indians;) they dispersed. They then commenced saddling up their ponies and striking off, after setting fire to the grass on the windward of the camp. We then broke camp and went back about ten or fifteen miles, and camped for the night.

Question. How was your camp in which these things occurred arranged for defence? Describe it particularly.

Answer. We were camped in an elbow or bend of the creek. The creek enclosed us on three sides, about two hundred yards from the centre of our camp. The camp was arranged very poorly for defence, I think, on account of the creek furnishing a very good ambuscade for the Indians.

Question. How was the ground on the other side of the creek that encircled your camp? Was it clear, or covered with brush; and how was it situated to enable an enemy? Describe it particularly.

Answer. It was covered with a thick undergrowth, the banks being pretty high on both sides, sloping off gradually to the creek. It would be very favorable for concealment of an enemy.

Question. Were any orders given by Major Wynkoop to keep the Indians out of camp? If yea, were the troops able to enforce these orders in the position they occupied? State only what you know of your own knowledge.

Answer. I was sergeant of the guard that day, and did not receive any orders

from any one—Major Wynkoop or the officer of the day—in relation to keeping the Indians out of camp.

Question. What occurred in the camp to which you moved after the consultation, and which you state was ten or fifteen miles distant, as regards the troops and Major Wynkoop in relation to the orders?

Answer. We remained there for two nights and one day. Some of the Indians that were with us left us in the afternoon of the first day. It aroused some excitement in the minds of the troops. There was strong talk among the troops of breaking camp and returning to Fort Lyon without orders from the officers. They (the men) sent for Major Wynkoop; they told him that they did not have the confidence in the Indians that he had. He talked to the men and explained to them what the Indians had promised, and the excitement died away, and they (the troops) concluded to wait for orders.

Question. Were there any other motives that prompted the men in telling Major Wynkoop that they would go back to Fort Lyon? If yes, state them particularly.

Answer. There was some talk that there was more whiskey aboard than was really necessary. Some said that they had full confidence in Major Wynkoop when sober, but that they did not like to trust themselves with him among the Indians when he had been drinking.

Question. When the Indians fell in rear of you, as you have stated, after Wynkoop's consultation with Black Kettle, how near did the Indians keep to Major Wynkoop's command, and did the Indians threaten the command? State particularly.

Answer. They kept within one hundred and fifty to two hundred yards of us; they kept up their war song continually. I do not know whether the Indians threatened the command or not.

Direct examination of B. N. Forbes by J. M. Chivington closed.

Cross-examination of B. N. Forbes by the commission:

Question. Are you still in the service? If not, when were you discharged, and where is your residence?

Answer. I was discharged the 30th of November, 1864; my residence has been in Denver most of the time since I have been discharged.

Question. Were any of Major Wynkoop's command killed, fired upon, or assaulted in any manner by the Indians?

Answer. There were none of the command fired upon, none killed, only assaulted by words.

Question. You say you do not understand the Indian language; then how do you know they assaulted with words?

Answer. Some of them spoke a little English, as I told you at the time; some of them used pretty hard words.

Question. Where were the chiefs of the Indians at the time the cannon was surrounded, and where were the officers of Major Wynkoop's command at that time?

Answer. The chiefs were in their council lodge, and the officers were mostly there, all but Lieutenant Hardin and Lieutenant Phillips; I believe Lieutenant Hardin was officer of the day.

Question. How deep was the creek upon which the command camped?

Answer. About belly deep to our horses, where we watered opposite to the camp.

Question. Did any of the Indians conceal themselves in the brush on the creek, to attack Major Wynkoop's command?

(J. M. Chivington most respectfully objects to the question, for the following reasons: That the cross-examination of the witness in regard to the new matter is improper, no questions being put on the examination in chief of the counsel.

t of Indians anywhere; if the court wants such evidence, they can obtain it only by making the witness their own.

jection sustained by the commission.)

question. You say the troops while in camp manifested a spirit of mutiny in saying they would disobey their officers, and return to Fort Lyon; was it anything more than idle talk? Did any leave the camp? If so, how many and where were they?

answer. There were none left the camp.

question. You say the excitement died away after Major Wynkoop left the command; after that, was there any more talk of leaving camp, and did any one leave?

answer. There was none left, and there was no talk that amounted to anything after that—only idle talk.

question. How do you know that it was a war song the Indians kept up as they followed in rear of Major Wynkoop's command?

answer. It was a song that I heard once before when engaged with the Indians.

question. Were you present at the council between Major Wynkoop and the Indians?

answer. No.

Cross-examination of B. N. Forbes, by the commission closed.

Re-examination of B. N. Forbes. No questions asked.

Commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

PRESLEY TALBOT introduced by J. M. Chivington to give evidence. The oath being administered according to law, he (Talbot) testified as follows:

Question. What is your name? Were you in the third regiment Colorado Cavalry? If yes, what position did you hold? And were you at the battle of Sand creek? If yes, state what occurred there. State particularly what you know of your own knowledge.

Answer. My name is Presley Talbot. I was in the third regiment Colorado Cavalry, and held the position as captain of company M. I was at the battle of Sand creek; I was ordered to go into the fight by Colonel Chivington; ordered to cross Sand creek to the right side of the bank. There I received so many galling a fire from the Indians under the bank and from ditches dug out just above the bank that I ordered my company to advance, to prepare to dismount and fight on foot. At the command to fight on foot I was shot, with a ball about the weight of a pound, from the rifle of a chief known by the name of One-Eye. When shot—was shot in right side—dragged my right leg from horse, eased myself as well as I could, and fell; laid on right side; had a soldier to place blankets under right leg so as to ease pain from wound. Indians, twenty-five or thirty in number, (bucks) made charge, were repulsed, some of my men loading their guns on account of guns refusing to discharge, and forced Indians to seek shelter under the banks, and in holes dug out for concealment. Firing continued for not more than five minutes; one Indian, which proved to be Big Head, who as a signal showed buffalo robe to the height of a person, as the means of drawing the fire from the soldiers, so that they would empty their guns, and then would give a whoop and rise *en masse* and fire arrows, shot muskets, and breech-loading rifles. I commanded my troops to be guarded, hold their fire, and be particularly what they fired at, and to be sure it was an Indian. There was still in hostilities for a few minutes. The Indians *en masse*, at least thirty in number, made a charge, which was repulsed by eight of company M; I was wounded, I was then taken from the field to the hospital lodge designated by the command. I furthermore state that the Indians were hostile, and

acted with desperation and bravery; that Colonel John M. Chivington, commanding, acted with discretion and bravery. Furthermore, that there were at least thirty Indians killed by company M, assisted by two men of the first regiment Colorado cavalry, within seventy-five feet of where the company fought.

Question. Did you, before or after the battle of Sand creek, have any conversation with Major Anthony, commanding Fort Lyon, Major Colley, Indian agent, or John Smith, Indian interpreter, in relation to the battle of Sand creek? If yes, state particularly what that conversation was.

Answer. I had a conversation before the battle of Sand creek, with Major Anthony, in company with Captain Soule, deceased, Lieutenant Richmond, of the third regiment. He (Anthony) expressed himself gratified that we had come to make an attack on the Indians; said that he would have attacked them before this time if he had had force enough at his command. Had several consultations with Major Colley, Indian agent, and John Smith, Indian interpreter; stated that they had considerable sympathy for me, being wounded; would give me all the attention and assistance in their power, but they would do anything to damn Colonel John M. Chivington, or Major Downing; that they had lost at least six thousand dollars each by the Sand creek fight; that they had one hundred and five robes and two white ponies bought at the time of attack, independent of the goods which they had on the battle-ground, which they never had recovered, but would make the general government pay for the same, and damn old Chivington eventually. Furthermore, John Smith had a bill made out against the government—showed me the same—for government indebtedness to him, sworn and subscribed to by one David Louderback, stating that he would go to Washington city and would present the same, and that he had friends who would help him get it. Smith and Colley both told me that they were equally interested in the trade with the Indians.

Question. Did you hear Major Colley, Indian agent, and John Smith, Indian interpreter, say that they would swear to anything to ruin Colonel Chivington? If so, state particularly what that conversation was.

I object to the question being asked the witness, for the reason that it is leading; has no reference to the matter of this investigation, and after the witness has given the conversation he had with these parties in reference to Sand creek and the Indians.

SAMUEL F. TAPPAN,
Lieut. Col. Veteran Battalion First Colorado Cavalry,
President of Commission.

Objection sustained by the commission.

Question. In the conversation you stated you had with Major Colley and John Smith, in which they stated they would do anything to damn Colonel Chivington, did they say they would do anything else?

I object to the question, for the reason that it has no reference to the subject-matter of this investigation, and after the witness has given the conversation of Major Colley and John Smith in reference to Sand creek and the Indians, and whatever threats (if any were made) these parties may have made against Colonel Chivington or any other person is not a proper subject of this investigation.

SAMUEL F. TAPPAN,
President of Commission.

John M. Chivington would most respectfully explain that Major Colley and John Smith having testified before the "Committee on the Conduct of the War," and as we are informed the evidence taken by this commission is to be considered by that committee, we consider it our right by this witness to show what these men, Colley and Smith, have threatened to do, that we may defend our

res against the testimony of these men, and therefore we consider the testimony relevant and proper, and most respectfully insist that this commission allow the question to be put, and receive the evidence.

J. M. CHIVINGTON.

I have no information that the evidence taken by this commission is to go before the "Committee on the Conduct of the War," but, on the contrary, I understand that a committee of the two houses of Congress are now on their way to the Territory to investigate this affair of Sand creek, to present to the "Committee on the Conduct of the War."

This commission was ordered to investigate all matters relating to the Indians at Sand creek. Private threats and quarrels growing out of that or any other affair is not, in my opinion, a legitimate and proper matter of record by this commission.

SAMUEL F. TAPPAN,

*Lieut. Col. Veteran Battalion First Colorado Cavalry,
President of Commission.*

(Objection sustained by commission.)

Question. State any other conversation that you had with Major Colley and John Smith, if you remember any, pertaining to matters connected with Sand creek.

Answer. I heard a portion of a letter read in the adjoining room, in which I was wounded, in which I recognized the voices of Smith, Colley, and Olmsted, the purport of which was denouncing Colonel Chivington and the Sand creek fight, addressed to the superintendent of Indian affairs, Washington city. I also heard Smith boastingly in my presence state that the eastern papers would be filled with letters from that post, (Fort Lyon,) denouncing the same, and that Colonel Chivington had murdered his boy, and that he would be avenged by making every effort with the department possible. Furthermore he said, with tears in his eyes, that he was a bad boy and deserved punishment, but it was hard for a father to endure it. He furthermore stated that he had tried to influence his boy to quit committing depredations. I asked him why he could not prevail on him to do so. He said that it was inherited, not from him, but from the Indian blood. I furthermore asked him why he did not deserve death. He stated that he did deserve death, and burst into a flood of tears. Colley and Smith stated to me in person that they would go to Washington and represent the Sand creek battle as nothing more than a massacre; and Smith said that he would realize twenty-five thousand dollars from his losses.

Commission adjourned until 9 a. m. to-morrow, May 12, 1865.

SIXTY-SECOND DAY.

MAY 12, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of yesterday read and approved.

Direct examination of Presley Talbot by J. M. Chivington continued :

Question. Have you stated all the conversation you had between Smith and Colley, pertaining to the Sand creek affair?

Answer. I think I have.

John M. Chivington then, after the witness had in answer to the above question stated that he had related all the conversation which he heard between Colley and Smith in reference to Sand creek, and after he had given the conversation between himself and these men upon that subject, repeated by asking the question if the witness "had stated all the conversation he had with Colley and Smith pertaining to Colonel Chivington, as regards the Sand creek affair."

Question ruled out by a majority of commission on the grounds that it was improper, the commission having decided that private threats and quarrels growing out of that (Sand creek) or any other matter was not a legitimate and proper matter of record by this commission, and that it was not proper to cumber the record with improper and irrelevant questions.

Question. You stated near the close of your examination that you wished to make some amendment or explanation. What was that amendment?

I object to the question, for the reason that the evidence given by the witness has been read to the witness, and he has stated that it was all correct.

SAMUEL F. TAPPAN,
Lieut. Col. Veteran Battalion First Colorado Cavalry,
President of Commission.

Commission rooms were cleared for discussion. Commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

The objection to the last question of J. M. Chivington sustained by the commission.

Direct examination of Presley Talbot by J. M. Chivington continued:

Question. Are you acquainted with David H. Louderback, private first cavalry of Colorado?

I object to the question because it is irrelevant to the subject-matter of this investigation, is leading, can be answered by a yes or no, and to ascertain the acquaintance of the witness is not the business of this commission.

SAM. F. TAPPAN,
Lieut. Col. Veteran Battalion First Colorado Cavalry,
President of Commission.

J. M. Chivington would most respectfully state, in explanation to the question proposed, that our object in asking it is to lay the foundation for impeaching Louderback, which we assert we can do; and if the court will grant us what interpretation of the law tells us is our right, we will do it.

Room cleared for deliberation.

Commission adjourned until 9 a. m. to-morrow, May 13, 1865.

SIXTY-THIRD DAY.

MAY 13, 1865.

Commission met pursuant to adjournment. Present, all members and recorder.

The room was cleared for discussion. The question under discussion at adjournment yesterday resumed.

Commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

Proceedings of yesterday read and approved.

The question of John M. Chivington, late colonel first cavalry of Colorado, was objected to on account of its irrelevancy to the subject-matter of this investigation, and to prevent the evidence from branching off into a variety of collateral issues perfectly immaterial to the matter this commission has been ordered to investigate.

After the question was objected to, J. M. Chivington stated the object of the question was, to lay the foundation for impeaching Louderback. The only way to impeach the credit of a witness by the testimony of others is—

first. By disproving the facts stated by him, by other testimony.

second. By general evidence of reputation.

third. By proof of self-contradiction.

J. M. Chivington intends to impeach the credit of the said Louderback, disproving his testimony by other evidence, showing a different state of facts than those given by Louderback, this can be done, if done at all, without reference to witness's personal acquaintance with Louderback, or to make any reference to him (Louderback) whatever, which makes the question asked by J. M. Chivington irrelevant and consequently improper.

If by general evidence of reputation, the examination in chief must be confined to the general reputation of Louderback; to adduce evidence as to that, as to particular facts, and not the witness's personal acquaintance with the said Louderback, but to his knowledge of the reputation only of the said Louderback: for these reasons the question as to the witness's personal acquaintance is immaterial, and for that reason improper.

If by proving self-contradiction—that the witness had made verbal statements aside differing from what he has testified to before this commission, J. M. Chivington having failed to prepare the way for its admission by cross-examining the witness (Louderback) as to the supposed contradictory statements, and giving him an opportunity of denying or explaining such statements, &c., it is too late, and inadmissible as evidence. For these reasons the objection is sustained by the commission.

Commission adjourned until 9 a. m., Monday, May 15, 1865.

SIXTY-FOURTH DAY.

MAY 15, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of yesterday read and approved.

On account of absence of witness the commission adjourned until 2 p. m. this day.

2 p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

On account of absence of witness the commission adjourned until 9 a. m. to-morrow.
May 16, 1865.

SIXTY-FIFTH DAY.

MAY 16, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of yesterday read and approved.

On account of the illness of Presley Talbot, a witness introduced by J. M. Chivington, his further examination is postponed.

HARRY RICHMOND introduced by J. M. Chivington to give evidence. The oath being administered according to law, he (Richmond) testified as follows:

By J. M. CHIVINGTON:

Question. What is your name? Have you been in the army? If so, state in what corps, and what position you occupied.

Answer. Name, Harry Richmond; position, second lieutenant company B, 1st Colorado cavalry.

Question. Were you on the expedition against the Indians, under command of Colonel John M. Chivington, which resulted in the battle of Sand creek, near Fort Lyon?

Answer. I was.

Question. Did you at any time before or after the battle of Sand creek have conversation with Major Anthony, first cavalry of Colorado, commanding

Fort Lyon, in relation to the battle of Sand creek and the Indians? If yes, state the conversation particularly.

Answer. I met Major Anthony as the command was between Fort Lyon and the commissary building. On shaking hands with me, and in reply to "Where are the Indians?" asked by me, he said, "I am damned glad you have come; I have got them over here about twenty-five miles until I could send to Denver for assistance." This was before the battle of Sand creek. At another time he asserted that he should have attacked them himself if he had had sufficient force. That is about all the remarks I heard him make concerning the battle or the Indians, that I remember of. I never heard Anthony express himself except exultingly over the battle of Sand creek or the arrival of troops to give battle.

Direct examination of Harry Richmond by J. M. Chivington closed.

Cross-examination of Harry Richmond by the commission:

Question. Did Major Anthony, in his conversation with you, refer to the Indians on the Smoky Hill, or on Sand creek?

Answer. Without specially referring to either, I thought he meant both. The indication of his finger was the same direction as that we marched to go for the Sand creek Indians.

Question. In what direction did you march, to reach the Indians on Sand creek, from Fort Lyon?

Answer. I could not answer that question as regards the points of the compass. I should judge we marched in a line directly from the Arkansas river, our road forming a right angle with the river. It was dark when we left Fort Lyon.

Question. Where is your present residence?

Answer. Denver, Colorado Territory. Post office address, box 93.

Cross-examination of Harry Richmond by the commission closed.

Re-examination: No questions asked.

Commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

SIMEON WHITELEY introduced by J. M. Chivington to give evidence. The oath being administered according to law, he (Whiteley) testified as follows:

By J. M. CHIVINGTON:

Question. What is your name, residence, and do you hold any official position under the government of the United States? If yes, state what that official position is.

Answer. Simeon Whiteley; residence in this city. I at present hold the office of United States Indian agent of the Grand River and Uintah bands of Utah Indians.

Question. Were you at a council held at Camp Weld, near Denver, Colorado Territory, in September, 1864, between Governor Evans and chiefs of the Cheyenne and Arapahoe nations, and can you state what occurred there? If yes, please state it particularly, and who was present.

Answer. I was present at the council and acted as clerk at the time. I made a verbatim report of the proceedings there had, which I can give to this commission if desired. In this report referred to, I have the names of the prominent individuals present.

Question. Please state the report verbatim, and under what circumstances and in what manner you took that report?

Answer. Governor Evans has been in the habit of having me make copies of

proceedings of all councils, when my other duties would permit. I made report of the proceedings of the council at Camp Weld at his request. He (governor) warned me before I commenced that upon the result of this council very likely depended a continuance of the Indian war on the plains, and as important that the minutes should be full and complete. I frequently, in taking these notes, had to stop the interpreter as well as the governor, so I could get every word down. I think I was successful in doing it. The following is the report:

CAMP WELD, DENVER,
Wednesday, September 28, 1864.

Present—Governor John Evans; Colonel Chivington, commanding district Colorado; Colonel George L. Shoup, third Colorado volunteer cavalry; Major E. Wynkoop, Colorado first; S. Whiteley, United States Indian agent; Black Kettle, leading Cheyenne chief; White Antelope, chief central Cheyenne band; Bull Bear, leader of Dog soldiers (Cheyenne); Neva, sub Arapahoe chief, who was in Washington; Bosse, sub Arapahoe chief; Heaps-of-Buffalo, Arapahoe chief; No-ta-nee, Arapahoe chief; the Arapahoes are all relatives of Black Hand, chief of the Arapahoes, and are sent by him in his stead; John Smith, interpreter to Upper Arkansas agency; and many other citizens and officers.

His excellency Governor Evans asked the Indians what they had to say. BLACK KETTLE then said: On sight of your circular of June 27, 1864, I took hold of the matter, and have now come to talk to you about it. I told Mr. Smith, who brought it, that I accepted it, but that it would take some time to call all my people together, many of my young men being absent; and I have done everything in my power since then to keep peace with the whites. As soon as I could get my people all together we held a council and got a half-breed who was with us to write a letter to inform Major Wynkoop, or other military officer nearest us, of our intention to comply with the terms of the circular. Major Wynkoop was kind enough to receive the letter, and visited us in person, to whom we delivered four white prisoners—one other, Mrs. Snyder, having killed herself. There are two women and one child yet in our camp, whom we will deliver up as soon as we can get them in. These are their names: Laura Roper, aged sixteen or seventeen years; Ambrose Asher, aged seven or eight years; Daniel Marble, aged seven or eight years; Isabel Ubanks, aged four or five years. The prisoners still with us, are Mrs. Ubanks and babe, and Mrs. Morton, who was taken on the Platte. Mrs. Snyder is the name of the woman who hung herself. The boys were taken between Fort Kearney and Fort Blue. I followed Major Wynkoop to Fort Lyon, and Major Wynkoop promised that we come up to see you. We have come with our eyes shut, following this handful of men, like coming through the fire. All we ask is that we may have peace with the whites; we want to hold you by the hand. You are our father; we have been travelling through a cloud; the sky has been dark ever since the war began. These braves who are with me are all willing to do what I say. We want to take good tidings home to our people, that they may live in peace. I want you to give all the chiefs of the soldiers here to understand that we are for peace, and that we have made peace, that we may not be taken by them for enemies. I have not come here with a little wolf's bark, but have come to talk plain with you. We must live near the buffalo or starve. When we came here we came free, without any apprehension, to see you, and now I go home and tell my people that I have taken your hand and the hands of all the chiefs here in Denver, they will feel well, and so will all the different bands of Indians on the plains, after we have eaten and drunk with them.

Governor EVANS replied: I am sorry you did not respond to my appeal for peace; you have gone into an alliance with the Sioux, who were at war with

us; you have done a great deal of damage, have stolen stock, and now have possession of it. However much a few individuals may have tried to keep the peace, as a nation you have gone to war; while we have been spending thousands of dollars in opening farms for you, and making preparations to feed, protect, and make you comfortable, you have joined our enemies and gone to war. Hearing last fall that you were dissatisfied, the Great Father at Washington sent me out on the plains to talk with you and make it all right. I sent messengers out to tell you that I had presents and would make you a feast; but you sent word to me that you did not want anything to do with me, and to the Great Father at Washington that you could get along without him. Bull Bear wanted to come in to see me at the head of the Republican, but his people held a council and would not let him come.

BLACK KETTLE. That is true.

Governor EVANS, (resuming.) I was under the necessity, after all the trouble and expense I was at, of returning home without seeing them. Instead of this, your people went away and smoked the "war pipe" with our enemies.

BLACK KETTLE. I don't know who could have told you this.

Governor EVANS. No matter who said this, but your conduct has proved to my satisfaction that such was the case.

SEVERAL INDIANS. This is a mistake; we have made no alliance with the Sioux or any one else.

Governor EVANS explained that smoking the "war pipe" was a figurative term, but their conduct had been such as to show they had an understanding with other tribes.

SEVERAL INDIANS. We acknowledge that our actions have given you reason to believe this.

Governor EVANS. So far as making a treaty now is concerned, we are in no condition to do it; your young men are on the war path, my soldiers are preparing for the fight. You so far have had the advantage, but the time is near at hand when the plains will swarm with United States soldiers. I understand that these men who have come to see me now have been opposed to the war all the time, but that their people have controlled them, and they could not help themselves. Is this so?

ALL THE INDIANS. It has been so.

Governor EVANS. The fact that they have not been able to prevent their people from going to war in the past spring, when there was plenty of grass and game, makes me believe that they will not be able to make a peace which will last longer than until winter is past.

WHITE ANTELOPE. I will answer that, after a time.

Governor EVANS. The time when you can make war best is in the summer time; the time when I can make war best is in the winter. You so far have had the advantage; my time is fast coming. I have learned that you understand that as the whites are at war among themselves, you think you can now drive the whites from this country, but this reliance is false. The Great Father at Washington has men enough to drive all the Indians off the plains, and whip the rebels at the same time. Now, the war with the whites is nearly through, and the Great Father will not know what to do with all his soldiers, except to send them after the Indians on the plains. My proposition to the friendly Indians has gone out. I shall be glad to have them all come in under it. I have no new proposition to make. Another reason that I am not in condition to make a treaty is, that war is begun, and the power to make a treaty of peace has passed from me to the great war chief. My advice to you is to turn on the side of the government, and show by your acts that friendly disposition you profess to me. It is utterly out of the question for you to be at peace with us while living with our enemies and being on friendly terms with them.

quiry was made by one Indian, what was meant by being on the side of the
rument. Explanation being made, all gave assent, saying, "All right."

GOVERNOR EVANS. The only way you can show this friendship is by making
an arrangement with the soldiers to help them.

BLACK KETTLE. We will return with Major Wynkoop to Fort Lyon; we
then proceed to our village and take back to my young men every word
say. I cannot answer for all of them, but think there will be but little
culity in getting them to assent to help the soldiers.

MAJOR WYNKOOP to Black Kettle. Did not the Dog soldiers agree, when I
my council with you, to do whatever you said, after you had been here?

BLACK KETTLE. Yes.

GOVERNOR EVANS explained that if the Indians did not keep with the United
es soldiers, or have an arrangement with them, they would be all treated as
nies. You understand, if you are at peace with us, it is necessary to keep
y from our enemies; but I hand you over to the military, one of the chiefs
whom is here to-day, and can speak for himself if he chooses.

WHITE ANTELOPE. I understand every word you have said, and will hold
to it. I will give you an answer directly. The Cheyennes, all of them,
e their ears open this way, and they will hear what you say. I am proud
ave seen the chief of all the whites in this country. I will tell my people.
er since I went to Washington and received this medal, I have called all
ite men as my brothers, but other Indians have since been to Washington
I got medals, and now the soldiers do not shake hands, but seek to kill me.
at do you mean by us fighting your enemies? Who are they?

GOVERNOR EVANS. All Indians who are fighting us.

WHITE ANTELOPE. How can we be protected from the soldiers on the plains?

GOVERNOR EVANS. You must make that arrangement with the military chief.

WHITE ANTELOPE. I fear these new soldiers who have gone out may kill
e of my people while I am here.

GOVERNOR EVANS. There is great danger of it.

WHITE ANTELOPE. When we sent our letter to Major Wynkoop, it was like
ng through a strong fire, or blast, for Major Wynkoop's men to come to our
p; it was the same for us to come to see you. We have our doubts whether
Indians south of the Arkansas, or those north of the Platte, will do as you
. A large number of Sioux have crossed the Platte in the vicinity of the
ction, into our country. When Major Wynkoop came, we proposed to make
e. He said he had no power to make peace, except to bring us here and
in us safe.

GOVERNOR EVANS, again. Whatever peace you make must be with the soldiers,
not with me. Are the Apaches at war with the whites?

WHITE ANTELOPE. Yes; and the Comanches and Kiowas, as well; also a
of Indians from Texas whose name we do not know. There are thirteen
ent bands of Sioux who have crossed the Platte, and are in alliance with
others named.

GOVERNOR EVANS. How many warriors with the Apaches, Kiowas, and Coman-
?

HITE ANTELOPE. A good many; don't know.

GOVERNOR EVANS. How many of the Sioux?

HITE ANTELOPE. Don't know, but many more than the southern tribes.

GOVERNOR EVANS. Who committed the depredations on the trains near the
tion, about the first of August?

HITE ANTELOPE. Do not know; did not know any was committed; have
you by the hand, and will tell the truth, keeping back nothing.

GOVERNOR EVANS. Who committed the murder of the Huns gate family, on
ing creek?

NEVA. The Arapahoes, a party of the northern band who were passing north; it was Medicine Man, or Roman Nose, and three others.

Agent WHITELEY. That cannot be true; I am satisfied, from the time he left a certain camp for the north, that it was not this party of four persons.

Governor EVANS. Where is Roman Nose now?

NEVA. You ought to know better than me; you have been nearer to him.

Governor EVANS. Who killed a man and boy at the head of Cherry creek four weeks ago?

NEVA (after consultation,) Kiowas and Comanches.

Governor EVANS. Who stole soldiers' horses and mules from Jimmie's camp, twenty-seven days ago?

NEVA. Fourteen Cheyennes and Arapahoes together.

Governor EVANS. What were their names?

NEVA. Powder-face and Whirlwind, who are now in our camp, were the leaders.

Colonel SHOUR. I counted twenty Indians on that occasion.

Governor EVANS. Who stole Charley Antobe's horses?

NEVA. Raven's son.

Governor EVANS. Who took the stock from Frémont's Orchard, and had the first battle with the soldiers this spring, north of there?

WHITE ANTELOPE. Before answering this question, I would like for you to know that this was the beginning of the war, and I should like to know what it was for—a soldier fired first.

Governor EVANS. The Indians had stolen about forty horses; the soldiers went to recover them, and the Indians fired a volley into their ranks.

WHITE ANTELOPE. This is all a mistake; they were coming down the Bijou, and found one horse and one mule. They returned one horse, before they got to Geary's, to a man; then went to Geary's, expecting to turn the other one over to some one. They then heard that the soldiers and the Indians were fighting somewhere down the Platte; they then took a fright, and all fled.

Governor EVANS. Who were the Indians who had the fight?

WHITE ANTELOPE. They were headed by Fool Badger's son, a young man, one of the greatest of the Cheyenne warriors, who was wounded, and, though still alive, he will never recover.

NEVA. I want to say something. It makes me feel bad to be talking about these things, and opening old sores.

Governor EVANS. Let him speak.

NEVA. Mr. Smith has known me ever since I was a child; has he ever known me commit depredations on the whites? I went to Washington last year, receiving good counsel; I hold on to it. I am determined always to keep peace with the whites. Now, when I shake hands with them they seem to pull away. I came here to seek peace, and nothing else.

Governor EVANS. We feel that you have, by your stealing and murdering, done us great damage. You come here and say you will tell us all, and that is what I am trying to get.

NEVA. The Comanches, Kiowas, and Sioux have done much more injury than we have. We will tell you what we know, but cannot answer for others.

Governor EVANS. I suppose you acknowledge the depredations on the Little Blue, as you have the prisoners there taken in your possession?

WHITE ANTELOPE. We (the Cheyennes) took two prisoners west of Fort Kearney, and destroyed the trains.

Governor EVANS. Who committed depredations at Cottonwood?

WHITE ANTELOPE. The Sioux; what band I do not know.

Governor EVANS. What are the Sioux going to do next?

BULL BEAR. Their intention is to clear out all this country. They are angry, and will do all the damage to the whites they can. I am with you and the

oops to fight all those who have no ears to listen to what you say. Who are they? Show them to me—I am young. I have never harmed a white man. I am pushing for something good. I am always going to be friendly with the whites; they can do me good.

Governor EVANS. Where are those Sioux?

BULL BEAR. Down on the Republican, where it opens out.

Governor EVANS. Do you know that they intend to attack the trains this week?

BULL BEAR. Yes; about one-half of all the Missouri river Sioux and Yanktons who were driven from Minnesota are those who have crossed the Platte. I am young, and can fight. I have given my word to fight with the whites. My brother, Lean Bear, died in trying to keep peace with the whites. I am willing to die in the same way, and expect to do so.

NEVA. I know the value of the presents which we receive from Washington; we cannot live without them. That is why I try so hard to keep peace with the whites.

Governor EVANS. I cannot say anything about these things now.

NEVA. I can speak for all the Arapahoes under Left Hand. Raven has sent no one here to speak for him. Raven has fought whites.

Governor EVANS. Are there any whites among your people?

NEVA. There are none except Keith, who is now in the store at Fort Larned.

Colonel CHIVINGTON. I am not a big war chief, but all the soldiers in this country are at my command. My rule of fighting white men or Indians is, to fight them until they lay down their arms and submit to military authority. You are nearer Major Wynkoop than any one else, and you can go to him when you get ready to do that.

The council then adjourned.

Direct examination of Simeon Whiteley, United States Indian agent, by J. M. Chivington, closed.

Cross-examination of Simeon Whiteley, United States Indian agent, by the commission:

Question. You say that explanations were made as to what it was to be, on the side of the government, to which the Indians gave assent; state particularly what that explanation was.

Answer. I don't recollect the exact language that was used. If I should attempt to give the explanation, it would, probably, be mostly according to my own ideas, and not what was really said, or the words used. It is my recollection of what was said, that they must obey the requirements of the military officers, to render them such assistance as they could, by giving information, acting as scouts, &c. I don't know that any of those particular terms were used, but this is the general idea of the explanation.

Question. Was the assent of the Indians an expression of their willingness to comply with the terms proposed?

Answer. Yes.

Question. What reply did the Indians make to the remark of Colonel Shoup, that he counted twenty Indians in the attack on Jimmie's camp?

Answer. None.

Question. What reply did the Indians make to your remark in council, that they were mistaken as to who killed the Hunsgate family?

Answer. None whatever. I don't know whether they heard my remark. I do not recollect whether it was interpreted to them. I addressed it more particularly to Governor Evans. I knew it was a lie.

Question. State how you know it was a lie.

Answer. From my knowledge of the time when Medicine Man was in this

part of the country, I know that he had not been in this section of the country since the preceding September.

Question. State particularly your knowledge of Medicine Man and Roman Nose, where they were at the time the Hunsgate family were killed.

Answer. About that time I received word from the camp of the northern band of Arapahoes that Roman Nose was dead. Subsequently I received word that Medicine Man was fighting the Snakes in Montana Territory, and was off on the war path, beyond Powder river, about the time of the murder of the Hunsgate family. After the council adjourned I told what I knew of Medicine Man's locality to Governor Evans and Colonel Chivington.

Question. Have you stated your only means of knowing that Medicine Man was absent and Roman Nose dead?

Answer. I can explain that in saying that I have, in addition to other duties, had charge of a portion of this northern band of Arapahoes; that I have sent and received messages from Medicine Man at various times since the 1st of July last. He is now reported to me as being near the Medicine Bow mountains. I have talked with a good many Indians of his band. Two weeks ago yesterday I had a council with Black Bear, one of his leading chiefs, who has just come in from the northern country, and I have not a shadow of doubt of the falsity of Neva's statement.

Cross-examination of Simeon Whiteley, United States Indian agent, by the commission, closed.

Re-examination of Simeon Whiteley, United States Indian agent, by J. M. Chivington:

Question. Who gave the Indians the explanations you have stated were given in regard to their being on the side of the government?

Answer. Governor Evans.

Re-examination of Simeon Whiteley, United States Indian agent, closed.

Commission adjourned until 9 a. m. to-morrow, May 17, 1865.

SIXTY-SIXTH DAY.

MAY 17, 1865.

Commission met pursuant to adjournment. Present, all members and recorder.

On account of the non-appearance of the witnesses, the commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

Proceedings of yesterday read and approved.

Owing to the non-appearance of witnesses, the commission adjourned until 9 a. m. to-morrow, May 18, 1865.

SIXTY-SEVENTH DAY.

MAY 18, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of yesterday read and approved.

Direct examination of Presley Talbot by J. M. Chivington continued:
No question asked.

Cross-examination of Presley Talbot by the commission:

Question. Where is your residence?

Answer. Denver City, Colorado Territory.

Cross-examination of Presley Talbot by the commission closed.

Re-examination of Presley Talbot:

No questions asked.

the president and members of the military commission convened at Denver, Colorado Territory, in pursuance of Special Orders No, 23, headquarters district of Colorado, &c.:

We would most respectfully request your honorable court to allow us to introduce Major Simeon Whiteley on new matter, to wit, to prove a conversation between the (Whiteley) had with Major Anthony, formerly first cavalry of Colorado, and commanding Fort Lyon, Colorado Territory, November 28, 1864, in relation to the hostility of the Indians killed at Sand creek. We wish to prove Major Whiteley that Anthony stated to Whiteley that the Indians at Sand creek killed by Chivington were hostile; that he had fired on them repeatedly before the "battle of Sand creek;" that he entertained serious apprehensions of the safety of Fort Lyon on account of these Indians; and that he represented these facts to Colonel Chivington and urged him to attack and kill the Indians.

J. M. CHIVINGTON.

MAY 18, 1865.

This commission, in its investigation of the affairs of Sand creek, in order to ascertain all the facts and the exact relations existing between the Indians and the military authorities, have allowed evidence to be introduced as to statements made by Major Anthony while in command at Fort Lyon and in the public service as an officer. Therefore, in the opinion of this commission, evidence as to what Major Anthony may have said since leaving the public service and the country, in reference to the Indians and Sand creek, (and since this commission and a committee of Congress have been ordered to investigate the affair of Sand creek,) is merely accumulative, irrelevant, and improper; and for these reasons the request of J. M. Chivington cannot be complied with.

Commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, a majority of the commission.

On account of the non-appearance of witnesses, the commission adjourned until 9 a. m. to-morrow, May 19, 1865.

SIXTY-EIGHTH DAY.

MAY 19, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of yesterday read and approved.

ALEXANDER F. SAFELY introduced by J. M. Chivington to give evidence. The oath being administered according to law, he (Safely) testified as follows:

Question. What is your name, and have you been a soldier? If yes, state how long, to what corps did you belong, and what position did you occupy in the army.

Answer. Alexander F. Safely; I have been a soldier three years and a half; belonged to first cavalry of Colorado; I was a private.

Question. Were you on the expedition made by Colonel Chivington and command, which resulted in the battle of Sand creek last November? If yes, what duty were you on during that expedition?

Answer. I was on the expedition with Colonel Chivington and command, which resulted in the battle of Sand creek, and acted as a scout during that campaign.

Question. Were you with Colonel Chivington on the 28th of November last, when he entered Fort Lyon? If yes, please state particularly who Colonel Chivington spoke with on the road into Fort Lyon from your camp, and how long Colonel Chivington halted at any time before he reached Fort Lyon.

Answer. I was with Colonel Chivington on the 28th of November last, and rode into Fort Lyon with him; he did not stop to talk with any one on the road that I saw. He met Captain Soule's command about eight miles from Fort Lyon, and he spoke to the boys as he was riding by, saying, "How are you boys?" That is the only time I heard him speak to anybody, unless those that were riding along with him.

Question. Did you see Captain Soule when he spoke to the boys; and did Colonel Chivington halt when he spoke to the boys?

Answer. Colonel Chivington did not halt; Captain Soule's command were watering their horses at the time Colonel Chivington rode by; he (Chivington) merely said "How are you, boys?"

Question. Did you hear any conversation between Colonel Chivington and Major Anthony, commanding Fort Lyon, in regard to Indians, either before or after the battle of Sand creek? If yes, state what that conversation was particularly.

Answer. I did hear a conversation between Colonel Chivington and Major Anthony, both before and after the battle of Sand creek; and it was in regard to Indians. Major Anthony stated to Colonel Chivington, in my presence, that when he took command of Fort Lyon, or shortly after that, he made a demand on the Indians to give up all their arms; he (Anthony) said that the Indians agreed to do so, and that instead of turning in arms that were of any use to the Indians, they turned in some boys' bows, and some double-barrelled shot-guns and one Hawkins's rifle, which had no lock on it. He said that he considered that they were sincere about it, and gave them back their arms, and ordered them out of the post; that if they came back again he would open his artillery upon them. He said that they removed from there, and were then somewhere on Sand creek. He said that he was glad that we had come down there, as the Indians had sent him word that if he wanted to fight he could get as big a one as he wanted by coming out there to Sand creek. Indeed (he said) he was becoming alarmed that they would come in to the post and give him a fight. He said that he and every man he commanded would go with Colonel Chivington's command. That is about all I can think of that he said before the battle. The day after the battle I heard Major Anthony say that this would put a stop to the Indian war; that he considered that it was the biggest Indian fight that ever was recorded. I heard him ask Colonel Chivington's permission to proceed to Fort Lyon with the dead and wounded, and that he would overtake the command with the balance of the troops that had arrived there since we left. That is about all.

Question. Did you witness the commencement of the battle of Sand creek? If yes, please describe it particularly; who fired the first shot and how it commenced.

Answer. I witnessed the commencement of the battle of Sand creek, being the first man on the ground. Lieutenant Wilson brought his battalion on the left of the village, while company H, of the first cavalry of Colorado, came up in line directly in front on the right of the village, where I then was. While Lieutenant Wilson was coming up, I saw a man's horse running away with him which I afterwards learned was George Pierce, of F company. His horse carried him through the lower end of the village, and suddenly I saw him and his horse fall together. Shortly afterwards I saw him (Pierce) get up on his feet and run a short distance, stopped and turned around, when I saw the smoke rise from an Indian gun, and also saw George Pierce drop. At that time Wilson's battalion commenced firing, and at the same time company H, of the first, commenced firing. Before company H had taken their position, there were three Indians who had left the village and advanced to meet us. There was a company of the third regiment directly behind company H, and then three Indians, who were firing bows and arrows, shot over company H and

effect in the company of the third, directly behind company H. One of the Indians was killed right there. The next Indian that came out of the village on the side we were on was White Antelope. He came running directly towards company H; he had a pistol in his left hand, and a bow with some arrows in his right. He got within about fifty yards of the company; he commenced shooting his pistol, still in his left hand. There were a good many men fired at him from off the horses, but the horses were jumping around so, that the men could hardly manage them, there being a company in rear firing. One of the men, who was considerably excited, asked "if no one could hit that Indian?" I told him if he would hold my horse, I would try and see if I could not get him. He did so; I got off and fired at the Indian, the ball having effect in the groin. He turned then and ran back towards the village, and Billy Henderson, of H company, shot the Indian through the head when he was about the middle of the creek. That was the commencement of the fight, as near as I can recollect.

Question. Did you at any time see any white flag in the village of the Indians, or held by any of the Indians near the village?

Answer. I did not.

Question. Was your position such that you would have seen a white flag, if any had been exhibited by the Indians?—you have stated that you was the first man on the ground.

Answer. It was.

Question. Did you hear, at any time, a conversation between Major Colley, Indian agent, and Colonel Chivington in regard to the Indians?

Answer. Before the battle I did not know Major Colley by sight, and cannot think of anything he said and be positive about it.

Direct examination of Alexander F. Safely by J. M. Chivington closed.

Cross-examination of Alexander F. Safely by the commission:

Question. When Major Anthony referred to certain Indians as sending him word "to come out and fight, or they would attack him in the post," did he refer to the Sioux on the Smoky Hill, or the Cheyennes on Sand creek?

Answer. He referred to the Cheyennes and Arapahoes on Sand creek.

Question. Did you hear Colonel Chivington tell Major Anthony that the hostile Indians had moved south from the Platte and were to attack Fort Lyon?

Answer. No.

Question. What are your means of knowledge that Major Anthony referred to the Cheyennes and Arapahoes instead of the Sioux?

Answer. Because I heard him say, in the course of the conversation, they were Cheyennes and Arapahoes.

Question. In the conversation between Major Anthony and Colonel Chivington, what did Colonel Chivington say in reference to the Indians?

Answer. He did not have much to say about it. He said that he would start them that night and march all night. Major Anthony did pretty much all the talking.

Question. What portion of Colonel Chivington's command was the first to reach the Indian camp on Sand creek?

Answer. Lieutenant Wilson's battalion on the left, and company H of the first regiment came up on the right of the village. About the same time a company of the third regiment came up in rear of company H—immediately afterwards.

Question. How long after you saw the horse running towards the Indian village did Lieutenant Wilson's command reach his position to the right of the village?

Answer. He reached his position at the end of the village about the time

Pierce was shot. It was about a moment difference of time from the time Pierce was shot to the time Lieutenant Wilson opened fire.

Question. From what portion of the column did this horse start?

Answer. I could not say; when I saw him he was at full speed and ahead of the column.

Question. You say that White Antelope came out of the Indian village and attacked company H. How do you know it was White Antelope?

Answer. Because I have seen him before. I know him by sight.

Question. How far from the Indian village was company H when you fired at White Antelope?

Answer. About one hundred yards.

Question. Was White Antelope between company H and the village, and was he alone?

Answer. He was between company H and the village, and he was alone.

Question. You say your position was such as to enable you to see all that transpired in the Indian village. How large a tract of ground did the village cover?

Answer. I do not know exactly. It was about a quarter of a mile long. I should judge.

Cross-examination of Alexander F. Safely by the commission closed.

Re-examination of Alexander F. Safely. No questions asked.

Commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, a majority of the commission.

The witnesses summoned not having arrived, the commission adjourned until 9 a. m. to-morrow, May 20, 1865.

SIXTY-NINTH DAY.

MAY 20, 1865.

Commission met pursuant to adjournment. Present, all members and recorder.

Proceedings of yesterday read, amended as follows, and approved:

On page 816, answer to first question, insert "I saw Captain Soule at the time."

Witnesses not having reported, commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, a majority of the commission.

Witnesses not having reported, commission adjourned until 9 a. m. Monday, May 22, 1865.

SEVENTIETH DAY.

MAY 22, 1865.

Commission met pursuant to adjournment. Present, a majority of the commission.

Witnesses not having reported, commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, a majority of the commission.

The witnesses not having reported, commission adjourned until 9 a. m. to-morrow, May 23, 1865.

SEVENTY-FIRST DAY.

MAY 23, 1865.

Commission met pursuant to adjournment. Present, a majority of the commission.

Proceedings of yesterday read and approved.

Witnesses not having reported, commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

T. P. BELL introduced by J. M. Chivington to give evidence.

The oath being administered according to law, he (Bell) testified as follows :

Question. What is your full name, where do you reside, and were you at the battle of Sand creek, fought November 29, 1864.

Answer. Thaddens P. Bell ; reside in Lake Gulch, Gilpin county, Colorado Territory ; post office address, Central City, Colorado Territory. I was at the battle of Sand creek, fought November 29, 1864.

Question. Did you see any white scalps in the Indian village at Sand creek ? yes, please describe them particularly.

Answer. I saw a good many white scalps there. The number, I have not any idea how many. There were some that looked old, as if they might have been taken a considerable time ; others not so long, and one that was quite fresh, not over from five to eight days old at furthest. I did not notice them particularly enough at the time to give a more minute description. The fresh scalp was from a red haired man.

Direct examination of Thaddeus P. Bell by J. M. Chivington closed.

Cross-examination of Thaddeus P. Bell by commission :

Question. Was there a soldier of Colonel Chivington's command killed and scalped by the Indians at the commencement of the fight at Sand creek ?

Answer. I cannot say whether he was scalped or not, but there was one killed. The first man I saw killed was one of Colonel Chivington's command. There was one man scalped, but that was later in the day.

Question. Was not the fresh scalp you saw taken on the day of the fight by the Indians ?

Answer. It was not.

Question. State how you know it was not.

Answer. I saw the scalp before the fight had been going on any length of time ; before there had been any wounded or dead brought in off the field, and at a place where there had been none either wounded or killed on either side ; and further, by the appearance of the scalp itself. It was lying in or near the door of one of the Indian lodges ; it looked like it might have been recently dropped there.

Question. What was done with this scalp ?

Answer. I do not know what was done with it.

Question. Have you seen any of the scalps you saw at Sand creek since ?

Answer. I have not seen any of the white scalps except one ; I saw one since.

Question. Where did you see it, and in whose possession was it ?

Answer. I saw it between where we leave the Arkansas river and cross to the Fountain-qui-bouit. It was in possession of a man whose name I believe is Rhoades, one of the third regiment.

Question. How long after the fight commenced did you see these scalps you speak of ?

Answer. I suppose the fight had been going on probably an hour ; it might have been more or it might have been less.

Question. State particularly from what you determine the age of a scalp.

Answer. If the scalp had been taken that day the capillary vessels would have yet been bleeding, which they were not, but the scalp was yet soft and green.

Cross-examination of Thaddeus P. Bell by the commission closed.

Re-examination of Dr. Thaddeus P. Bell. No questions asked.

Commission adjourned until 9 a. m. to-morrow, May 24, 1865.

SEVENTY-SECOND DAY.

MAY 24

Commission met pursuant to adjournment. Present, all members and Proceedings of yesterday read and approved.

JAY J. JOHNSON introduced by J. M. Chivington to give evidence oath being administered according to law, he (Johnson) testified as follows:

Question. What is your full name; have you been in the United States service? If yes, state how long, and what position you occupied. Where you now reside?

Answer. Jay J. Johnson; I have been in the United States military from the 10th of September, 1861, to the 28th day of December, 1864, an enlisted man up to the 16th of August, 1864; I acted as adjutant third Colorado cavalry from that time to the 28th of September, 1864, I then I was mustered in as captain of company E of same regiment, and remained captain until mustered out.

Question. Was you with Colonel Chivington's command when he (Chivington) made an expedition against the Indians, which resulted in the battle of Sand Creek, November 29, 1864? If yes, what position did you occupy, and what duty was assigned for your performance before and after the battle?

Answer. I was with the command from the time that Colonel Chivington left Fort Collins up to Boonville until it returned to Denver, and acted as provost marshal of the expedition during that time. I reside in Central City, Gilpin county, Colorado Territory.

Question. What orders did you receive as provost marshal, in relation to captured property, from Colonel Chivington, commanding? Please state particularly.

Answer. My orders from Colonel Chivington, at the time I received my appointment, were to take charge of all captured property, and see it turned over to the quartermaster.

Question. Did you receive any other orders from Colonel Chivington in relation to captured property, at any other time? State particularly the orders and places.

Answer. I did receive other orders the night before Colonel Chivington left the command on the Arkansas. He then ordered me, "when I got to Fort Collins to take my company and take charge of the stock captured from the Indians there, and drive it to Denver and turn it in to the assistant quartermaster."

Direct examination of Jay J. Johnson, late captain third Colorado cavalry, by J. M. Chivington closed.

Cross-examination of Jay J. Johnson, late captain, &c., by the commission.

Question. Did you obey the order of Colonel Chivington by turning over the captured property to the quartermaster?

(John M. Chivington most respectfully objects to the question, for the following reasons: That the question relates to new matter, and that it is therefore incompetent and improper. We have examined the witness only in relation to what orders Colonel Chivington gave him—not what he did in the performance of his duty as provost marshal. We simply have asked what he was told to do by Colonel Chivington when acting officially. That it is not competent for the commission to ask the witness questions which will criminate him if answered in the affirmative, and if answered in the negative will relate to new matter not called out by the defendant, Chivington, in the examination in chief of the witness.)

Objection sustained by the commission.)

Question. Did you ever report to Colonel Chivington how you had carried out his order in reference to the captured stock?

J. M. Chivington objects to the question, for the same reasons expressed in last objection filed by him.

Objection sustained by the commission.)

Question. Did you receive a verbal or written order from Colonel Chivington in reference to the captured stock?

Answer. The first order I refer to was a verbal order. I was regularly detailed as provost marshal from district headquarters, in the field; but my instructions at that time were verbal. My instructions from Colonel Chivington the night before he left the command on the Arkansas were verbal; but just before I got into the post of Fort Lyon I received the same instructions, written, from the Adjutant General.

Question. Were those instructions, in writing, in reference to the taking and disposition you should make of the captured stock?

Answer. The instructions in writing were the same as the verbal instructions from Colonel Chivington.

Cross-examination of Jay J. Johnson by the commission closed.

Re-examination of Jay J. Johnson, late captain, &c.:

No questions asked.

Commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

W. H. VALENTINE introduced by J. M. Chivington to give evidence. The oath being administered according to law, he (Valentine) testified as follows:

Question. What is your full name? Where do you reside? Have you been a soldier? If yes, how long; in what corps did you serve; what position did you occupy in the military service of the United States, and where have you been stationed?

Answer. William H. Valentine; reside in Denver at present. I have been a soldier two years and six months; served in the first cavalry of Colorado; position, veterinary surgeon; have been stationed at Fort Lyon, on the Arkansas.

Question. Were you at Fort Lyon on or about October last, when Major Wynkoop returned from Denver with the Indians Black Kettle, &c.? If yes, did you have any conversation with any of them or hear any of them talk after Major Wynkoop returned from Denver? Please state such conversation, if you had any.

Answer. I was at Fort Lyon when Major Wynkoop returned from Denver with Black Kettle and other Indians. All the conversation I had at that time was with Left Hand. He was the only one I could talk with. I pointed out two or three Indians that stood on the parade-ground, and asked him if those were the ones that killed the soldier and blacksmith beyond Spring Bottom. He said, "they are the Indians."

Question. Did you ever hear the Indians that you pointed out to Left Hand say anything about the killing of the blacksmith and soldiers? State particularly.

Answer. I never heard those Indians say anything about it in language that I could understand. They told me in signs and motions. I made a motion to them if they were the Indians that killed the soldiers and the blacksmith; they made a motion to understand, by motions, that they were.

Question. Did the Indians have government stock in their possession at this time? State particularly.

Answer. They had eight head of mules; the soldiers that were killed had formerly—four in a wagon and four in an ambulance.

Question. How did you know that they belonged to the government; who

was in command of the post at this time, and did the commanding officer of the post at this time attempt to take, or did he at any time take these mules from the Indians?

Answer. I know four of the mules were sent from the quartermaster's corral to Denver with an officer; I forget who it was. Major Wynkoop was in command of the post at this time. I don't think he did take or attempt to take these mules himself from the Indians.

Question. Who succeeded Major Wynkoop in command of Fort Lyon, and how did the guard, while he was in command of Fort Lyon, treat the Indians? State what you saw.

Answer. Major Anthony succeeded Major Wynkoop in command of Fort Lyon. While Major Anthony was in command I saw one of the guard fire on the Indians.

Question. What were the Indians trying to do when the guard fired on them; and what reason did the guard give for firing on them?

Answer. They were trying to come into the post. The guard gave as their reason for firing on them that they were ordered to do so by Major Anthony.

Question. Where was Major Anthony when the guard fired upon the Indians, as you have stated?

Answer. I think that he was in front of his own office, or near there.

Question. What remark did he, Major Anthony, make in regard to the guard firing upon the Indians?

Answer. I don't know as he made any just at that time. Some few hours afterwards he was laughing at the idea of seeing the Indians run. He said that they had annoyed him enough, and that was the only way to get rid of them, or words to that effect.

Direct examination of W. H. Valentine by J. M. Chivington closed.

Cross-examination of W. H. Valentine by the commission:

Question. Are you familiar with the signs and motions used by Indians in conversation?

Answer. I understand some of it.

Question. Are you sure the Indians you accused of killing the soldiers understood your signs and motions?

Answer. I was pretty sure they did. That was what brought the conversation and motions about. They were in my office at the time, and I drove them out.

Question. Of what tribe were these Indians you speak of?

Answer. John Smith, Indian interpreter, said that they were Arapahoes and Cheyennes.

Question. Were the mules you speak of brought into the post by the Indians?

Answer. Yes, they were. They were on the opposite side of the river from the post—eight head of them—and were annoying us all the time. It was an impossible thing to keep them out of the quartermaster's herd. There was an order issued by Wynkoop not to meddle with those mules until after the difficulty with the Indians was settled.

Question. Did the Indians take the mules away from the post when they left?

Answer. No; five of them were turned over to Major Anthony, by the Indians.

Question. Were not the guard instructed to discharge their pieces, and give the alarm of Indians, when seen to approach the post?

Answer. Their orders were to fire either over or at them, or close to them, to frighten them. They were to shoot in the direction of the Indians, to drive them out of the post.

ion. Did the guard fire upon all Indians who approached the post after Anthony took command?

er. Only this one time that I ever saw the guard fired on the Indians.

ion. Did the guard kill or wound any of the Indians they fired upon?

er. Not any.

ion. Did you see any Indians in the post after you saw the guard fire on them?

er. I saw Left Hand afterwards. He was the only one I saw for about a week, I think.

ion. Could Left Hand talk to you in English?

er. Yes.

ion. Did Major Anthony, after the Indians had left the post, meet them again, or have any talk with them, outside the post?

Mr. M. Chivington most respectfully objects to the question, for the following reasons: That the question is calling out new matter, which cannot be done in re-examination. We have not inquired in regard to any council that Major Anthony might have had with them—only what the guard did when Major Anthony was in command of the post.

(The question sustained by the commission.)

Re-examination of W. H. Valentine by the commission closed.

Examination of W. H. Valentine: No questions asked.

Commission adjourned until 9 a. m. to-morrow, May 25, 1865.

SEVENTY-THIRD DAY.

MAY 25, 1865.

Committee met pursuant to adjournment. Present, a majority of the commission.

Proceedings of yesterday read and approved.

Mr. Chivington gave notice that he did not wish to introduce any more evidence on the defence.

Before the defence is hereby closed.

Mr. E. A. Jacobs, acting as president of the commission, announced that the commission stood adjourned until 9 a. m. Saturday, May 27, 1865. No vote taken. Which action I respectfully protest against.

GEORGE H. STILWELL,
*Captain Company F, Veteran Battalion,
First Colorado Cavalry, Recorder.*

DENVER, May 25, 1865.

Mr. Jacobs absent this morning on the reading of the journal, and find that a majority of the commission having assembled, read and approved of the journal of the day, and adjourned until Saturday, 9 o'clock. I have caused the journal to be read to me by the clerk, find it correct, and therefore add my approval to the same, and also to the adjournment until Saturday morning, 9 o'clock.

SAMUEL F. TAPPAN,
*Lieut. Col. Veteran Battalion First Colorado Cavalry,
President of the Commission.*

SEVENTY-FOURTH DAY.

MAY 27, 1865.

Commission met pursuant to adjournment. Present, a majority of the commission.

Mr. Jacobs being absent, commission adjourned until 2 p. m. this day.

p. m.—Commission met pursuant to adjournment. Present, a majority of the commission.

Commission adjourned until 9 a. m. Monday, May 29, 1865.

SEVENTY-FIFTH DAY.

MAY 29, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of Saturday, May 27, 1865, read and approved.

I move that a careful synopsis of the evidence, as taken by the commission, be made in an index form, or what may more properly be called an index, giving all the facts as testified to by the witnesses, the pages upon which they can be found, and appended to these proceedings.

SAMUEL F. TAPPAN,

Lieut. Col. Veteran Battalion First Colorado Cavalry.

The motion was not sustained by a majority of the commission.

Commission adjourned until 2 p. m. this day.

Two p. m.—Commission met pursuant to adjournment. Present, all members and recorder.

To enable the recorder to complete certain papers the commission adjourn until 9 a. m. to-morrow, May 30, 1865; J. M. Chivington having been notified that no more evidence would be received or introduced by this commission.

SEVENTY-SIXTH DAY.

MAY 30, 1865.

Commission met pursuant to adjournment. Present, all members and recorder. Proceedings of yesterday read and approved.

The journal of Saturday, May 27th, instant, amended so as to read "that the journal of the 25th instant was read and approved."

The recorder was instructed by the commission to examine the record, to carefully unite it by a tape, and seal it in such a manner as to keep it together, and certify to its being properly arranged, previous to its being signed by the commission.

"I certify that I have, in compliance with the foregoing order, carefully examined the record, and to the best of my knowledge it is properly arranged.

"GEORGE H. STILWELL,

"Captain Veteran Battalion, First Colorado Cavalry, Recorder."

SAMUEL F. TAPPAN,

*Lieut. Colonel Veteran Battalion First Colorado Cavalry,
President Military Commission.*

E. A. JACOBS,

*Captain Veteran Battalion First Colorado Cavalry,
Member Military Commission.*

GEORGE H. STILWELL,

*Captain Veteran Battalion First Colorado Cavalry,
Recorder Military Commission.*

The commission, having no further business before it, adjourned *sine die*.

SAMUEL F. TAPPAN,

*Lieut. Colonel Veteran Battalion First Colorado Cavalry,
President of the Commission.*

GEORGE H. STILWELL,

*Captain Veteran Battalion First Colorado Cavalry,
Recorder of the Commission.*

ADJUTANT GENERAL'S OFFICE,

Washington, February 12, 1867.

Official copy :

E. D. TOWNSEND,

Assistant Adjutant General.

LETTER
OF
THE SECRETARY OF WAR,
COMMUNICATING,

in compliance with a resolution of the Senate of the 9th instant, a copy of the report of the commission relative to improvements at Rock Island.

FEBRUARY 15, 1867.—Read, referred to the Committee on Military Affairs and the Militia, and ordered to be printed.

WAR DEPARTMENT,
Washington City, February 14, 1867.

SIR: I have the honor to transmit herewith a copy of the report of the commission relative to improvements at Rock Island, in compliance with a request contained in a resolution of the Senate, dated February 9, 1867.

Very respectfully, sir, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

HON. L. F. S. FOSTER,
President of the Senate.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, February 9, 1867.

SIR: In pursuance of instructions of this date, I have the honor to return with the report of the board of commissioners on Rock Island claims, and letter submitting it to you, together with copies of these papers.

Very respectfully, your obedient servant,

A. B. DYER,
Brevet Major General, Chief of Ordnance.

HON. E. M. STANTON,
Secretary of War.

ORDNANCE OFFICE, WAR DEPARTMENT,
Washington, February 8, 1867.

SIR: I have the honor to transmit herewith the report of the commission appointed under the acts of Congress approved April 19, 1864, and June 27, 1866, to ascertain the true value of the land on Rock Island taken possession by the War Department, and the compensation due each claimant; and to report what aid should be granted to the railroad company in the removal of the railroad on Rock Island and the railroad bridge across the Mississippi, as directed by the act of Congress approved June 27, 1866.

The awards made for lands taken by the War Department appear to be correct.

You will observe that no award has been made to the Moline Water power Company for the improvements made by it in creating its water-power; and, as the land upon the island on which the improvements are located belongs to the United States, it is doubtful whether the commission had authority under either of the acts above named to award damages to this company, the power to award damages being limited by the acts to claims for the value of the land owned by individuals and taken possession of by the War Department. Still, as this company was permitted to make these improvements upon the public land, and to create and enjoy, without disturbance for several years, a valuable property, it is doubtful whether it should be taken from the company without compensation. The recommendation of the commission indirectly gives compensation to the company, and at the same time promotes the interests of this department in securing water-power for the arsenal. If the War Department has authority to sanction and carry into effect this recommendation, I respectfully suggest that it be done. If further legislation is necessary to that effect, I recommend that it be requested of Congress as soon as possible.

The recommendations of the commission respecting the location of the railroad across the island and the bridge across the Mississippi, and the granting of a permanent right of way across the island of a width of one hundred feet, are approved.

The recommendations of the commission respecting the kind and character of bridge to be erected are approved, and the reasons given for recommending a drawbridge instead of a high bridge are concurred in.

The amount of aid recommended by the commission to be given to the railroad company is certainly very liberal, if the company have the right of way across the island; and if it does not possess this right, then the amount is altogether too large and should not be granted.

The location of the railroad and bridge should be changed as soon as possible; and if the aid recommended by the commission should be granted, the company should be required to build the road across the island and connect it with the new bridge within one year after the completion of the bridge by the United States.

The other recommendations of the commission are approved.

If the bridge is to be built by the government, as recommended by the commission, an additional appropriation of \$1,000,000 is requested, and it is desirable that it shall be made before the end of the present session of Congress.

Very respectfully, your obedient servant,

A. B. DYER,

Brevet Major General, Chief of Ordnance.

Hon. E. M. STANTON,

Secretary of War.

REPORT OF THE ROCK ISLAND COMMISSION TO THE CHIEF OF ORDNANCE OF THE WAR DEPARTMENT.

WASHINGTON, D. C., *February 4, 1867.*

GENERAL: We, the commissioners appointed by the President under the acts of Congress approved April 19, 1864, and June 27, 1866, have the honor to submit herewith the record of our proceedings, and to report the result of our deliberations, as follows, viz:

In the matter of compensation to be paid to persons, owners of lands on Rock island, taken by the United States for military purposes, the following extract from the record gives the names of all the claimants to such lands, the findings of the commissioners as to title, and the several sums awarded as full compensation to the claimants.

[Extract.]

“OFFICE OF THE ROCK ISLAND COMMISSIONERS,

“*Washington City, January 11, 1867.*

“The board then took under further consideration the claim of George L. Davenport and Susan M. Goldsmith, and after full and mature consideration, the board finds that Susan M. Goldsmith was the owner of a life estate in the south-east fractional quarter of section twenty-five, (25,) township eighteen, (18,) north of range two, (2,) west of the fourth (4th) principal meridian, and finds that George L. Davenport was the owner in fee of the aforesaid tract of land, with the appurtenances thereunto belonging, to take effect, in possession, on the determination of the said life estate of the said Susan M. Goldsmith, at the time the same was taken possession of by the United States.

“The board adjudges the true value of said land, together with all the appurtenances thereunto belonging, to be forty thousand seven hundred and forty dollars, (\$40,740,) and the board does therefore award to the said George L. Davenport and Susan M. Goldsmith, joint claimants, the said sum of forty thousand seven hundred and forty dollars, (\$40,740,) with interest at the rate of six per cent. per annum, from this date of January 11, A. D. 1867, to the time of payment.

“In conformity with the request of the claimants, through their counsel, the board makes no separate awards for the respective interests of said claimants.”

Claim of the city of Rock Island.

“The board then took under full consideration the claim of the city of Rock Island, Illinois, for Wilson’s island, a certain bridge, roadway and embankment, and approaches leading thereto, taken possession of by the United States.

“After full and mature consideration the board finds that the city of Rock Island, Illinois, was the owner in fee of Wilson’s island, of a certain bridge, roadway, and embankment leading from the city of Rock Island, Illinois, across Wilson’s island; and of the approach, or certain strip of land leading from Illinois street, in the city of Rock Island, to the aforesaid bridge, roadway and embankment, at the time the same was taken possession of by the United States. And the board adjudges the true value of said island, bridge, roadway, and embankment, and the aforesaid approach from Illinois street, together with all the appurtenances thereunto belonging, to be fourteen thousand three hundred and fifty-seven dollars and twenty cents; the aforesaid sum being the actual cost of said property to the city of Rock Island, including the cost of presentation of the claim. And the board does therefore award to the said city of Rock Island the said sum of fourteen thousand three hundred and fifty-seven dollars and twenty cents, (\$14,357 20,) and in consideration of the use of the bridge, roadway, and embankment by the citizens of Rock Island, and that expenditures for repairs having been made by the United States, the board does not award interest previous to this date, but does award interest on the aforesaid sum at the rate of six per cent. per annum from this date of January 11, A. D. 1867, to the time of payment.”

Claim of David B. Sears.

“OFFICE OF THE ROCK ISLAND COMMISSIONERS,

“*Washington City, January 15, 1867.*

“The board then took under further consideration the claim of David B. Sears, and after a full and mature consideration the board finds that David B. Sears was the owner in fee of Benham’s island, of the mill thereon, and of about thirty-one acres of land, more or less, situated on the upper or eastern end of the

island of Rock Island, lotted and known as part of Island City, subdivision No. 1, to the town of Moline, together with the water-power, and all the appurtenances to the several parcels belonging, being all the property and interest of said D. B. Sears at or adjacent to the head of Rock island, at the time the same was taken possession of by the United States, and the board adjudges the true value of said land, together with all the appurtenances thereunto belonging, to be one hundred and forty-five thousand one hundred and seventy-five dollars, (\$145,175,) and the board does therefore award to the said David B. Sears the said sum of one hundred and forty-five thousand one hundred and seventy-five dollars, (145,175,) with interest from this date of January 15, 1867, at six per cent. per annum until time of payment."

Claim of Stephens, Huntoon & Wood.

"OFFICE OF THE ROCK ISLAND COMMISSION,
"Washington City, January 16, 1867.

"The board then took under full consideration the claim of George Stephens, Jonathan Huntoon, and Timothy Wood, parties under the name and style of Stephens, Huntoon & Wood, and all the matters and testimony pertaining to said claim were read to the board; and, after full and mature consideration, the board finds that George Stephens, Jonathan Huntoon, and Timothy Wood, parties under the name and style of Stephens, Huntoon & Wood, were the owners in fee of lots one and two, block thirteen, and lots four, five, and six, block twelve, in that part of Moline known as Island City subdivision No. 1, together with the mill-shops, buildings, leasehold of water-power, and all the appurtenances thereunto belonging, being all the property of the said claimants, at or upon or adjacent to the head of Rock island, at the time the same was taken possession of by the United States; and the board adjudges the true value of said land, together with all the appurtenances thereunto belonging, to be twenty-eight thousand two hundred and seventy dollars; and the board does therefore award to the said George Stephens, Jonathan Huntoon, and Timothy Wood the said sum of twenty-eight thousand two hundred and seventy dollars, (\$28,270,) with interest at the rate of six per cent. per annum from this date of January 16, 1867, to the time of payment."

Claim of James Robinson.

"The board then took under full consideration the claim of James Robinson, and, after full and mature consideration, the board finds that James Robinson was the owner in fee of lot No. thirteen, (13,) block No. 10, in Island City subdivision No. 1 to Moline, upon Rock island, at the time the same was taken possession of by the United States; and the board adjudges the true value of said land, together with all the appurtenances thereunto belonging, to be twelve hundred dollars, (\$1,200;) and the board does therefore award to the said James Robinson the said sum of twelve hundred dollars, (\$1,200,) with interest at the rate of six per cent. per annum from this date of January 16, A. D. 1867, to the time of payment."

Claim of Peter Peterson.

"The board then took under full consideration the claim of Peter Peterson, and, after full and mature consideration, the board finds that Peter Peterson was the owner in fee of lot number four, (4,) in block eleven, (11,) in Island City subdivision No. 1 to the town of Moline, upon Rock island, at the time the same was taken possession of by the United States; and the board adjudges the true value of said land, together with all the appurtenances thereunto belonging, to

be nine hundred dollars, (\$900;) and the board does therefore award to the said Peter Peterson the said sum of nine hundred dollars, (\$900,) with interest at the rate of six per cent. per annum from this date of January 16, A. D. 1867, to the time of payment."

Claim of Nels Johnson.

"The board then took under full consideration the claim of Nels Johnson; and after full and mature consideration, the board finds that Nels Johnson was the owner in fee of lot number five, (5,) in block number fifteen, (15,) in the Island City subdivision to Moline, on Rock island, at the time the same was taken possession of by the United States; and the board adjudges the true value of said land, together with all the appurtenances thereunto belonging, to be nine hundred and fifty dollars, (\$950;) and the board does therefore award to the said Nels Johnson the said sum of nine hundred and fifty dollars, (\$950,) with interest at six per cent. per annum from this date of January 16, 1867, to the time of payment."

Claim of Robert Welch.

"The board then took under full consideration the claim of Robert Welch, and, after full and mature consideration, the board finds that Robert Welch was the owner in fee of lot number eight, (8,) in block number nine, (9,) in Island City subdivision to Moline, on Rock island, at the time the same was taken possession of by the United States. And the board adjudges the true value of said land, together with all the appurtenances thereunto belonging, to be thirteen hundred dollars, (\$1,300;) and the board does therefore award to the said Robert Welch the said sum of thirteen hundred dollars, (\$1,300,) with interest at the rate of six per cent. per annum from this date of January 16, 1867, to the time of payment."

Claim of Daniel Jones.

"OFFICE OF THE ROCK ISLAND COMMISSION,
" Washington City, January 7, 1867.

"After full and mature consideration the board finds that Daniel Jones was the owner in fee of lots numbers sixteen, (16,) seventeen, (17,) eighteen, (18,) nineteen, (19,) and twenty, (20,) in block number ten, (10,) in the Island City subdivision to the town of Moline, on Rock island, at the time the same was taken possession of by the United States. And the board adjudges the true value of said land, together with all the appurtenances thereunto belonging, to be fifteen hundred dollars, (\$1,500) And the board does therefore award to the said Daniel Jones the said sum of fifteen hundred dollars, (\$1,500,) with interest at the rate of six per cent. per annum from this date of January 17, A. D. 1867, to the time of payment."

Claim of David Sears.

"After full and mature consideration the board finds that David Sears was the owner in fee of lots eleven and twelve, in block ten, in Island City subdivision to Moline, on Rock island, at the time the same was taken possession of by the United States. And the board adjudges the true value of said land, together with all the appurtenances thereunto belonging, to be eleven hundred dollars, (\$1,100;) and the board does therefore award the said sum of eleven hundred dollars (\$1,100) to the said David Sears, with interest at the rate of six per cent. per annum from this date of January 17, 1867, to the time of payment."

" OFFICE OF THE ROCK ISLAND COMMISSION,

" Washington City, January 24, 1867.

" The board having taken under further consideration the matter of the Moline Water-power Company, finds it impracticable to determine, as a separate question, the damage sustained by that company in the taking of one-half of their water-power by the United States, because of the inseparable character of the interest thus acquired by the United States and that retained by the company.

" The determination of this question of damage was, however, rendered unnecessary by the negotiating of a transfer of the entire water-power from the Moline company to the United States, under the act of Congress of June 27th, 1866, appropriating one hundred thousand dollars for the purpose of securing water-power at the head of Rock island ; after a full discussion with the president of the Moline Water-power Company, the board agreed with him upon a basis for the settlement of all the questions pending between that company and the United States, and respectfully recommend its adoption by the War Department. The basis agreed upon is as follows, viz :

" 1. The Moline Water-power Company to convey to the United States the fee of the entire Moline water-power, and also to grant to the United States the unrestricted use, in perpetuity, without charge, of so much of the bed of the river not already belonging to the United States as may be covered by the pool and wall necessary to develop the water-power, and ten feet outside of said wall, together with the right of access thereto from the Illinois shore at all times, for the purpose of constructing or of repairing said wall.

" 2. The government to develop and maintain the power, so far as it can be done with the money heretofore appropriated, and that which may hereafter be appropriated by Congress, for that purpose.

" 3. The Moline Water-power Company to have the use in perpetuity, free from all charge for rent or repairs, of one-fourth of the entire water-power developed, and also the right to rent for a specified time, at the rate of fifty cents per annum per square inch of water-power, measured by openings of water wheels, so much additional power as the Ordnance department may deem expedient.

" And, further, that the company, its lessees or assigns, shall have the right to place their wheels upon the ten feet outside the wall, provided, that the foundation of said wall shall not be thereby disturbed, nor the stability of the wall thereby endangered.

" And also, further, that this granting to the United States of the unrestricted use of the pool, the wall, and the ten feet outside the wall, shall not be so construed as in any manner to operate as a bar to the free use and occupancy by the company, its lessees or assigns, of the same premises for all purposes connected with and incidental to the use of their portion of the water-power, or such as may be leased by them, and such use shall not interfere with or obstruct the United States in the free use of its portion of the water-power.

" 4. The works to be built by the government for the development of the power to be so arranged as to give the company the free use of all the power herein contemplated to be used by the company, both as to the use of the fourth part, so far as may be practicable without impairing the power in use by the government to a disproportionate extent, and also to the proposed power to be leased. The openings in the dams intended for the use of the company to be of such size and in such position as the company may elect.

" 5. Sixty thousand dollars of the present appropriation to be applied to the extension of the present stone dam on the Moline side, and \$40,000 to the extension and repairs of the wing-dam and removal of such deposits as may be required for the extension and repairs of said wing-dam. The use of the present water-power shall not be unnecessarily obstructed during the construction of the proposed work, nor shall any rent be required until the improvement contemplated by the \$100,000 appropriation shall have been made.

"6. It is also further understood that neither occupant of the above water-power shall have the right to, nor shall allow others to obstruct either pool or water-way by sawdust, or bark, or other substances, to the detriment of the water-power or the sanitary condition of the vicinity.

"The board then took under further consideration the Moline bridge claim, and after full and mature consideration, the board finds that the town of Moline, Illinois, was the owner in fee of a certain bridge and roadway, connecting the head of the island of Rock Island with Mill street in the town of Moline, on the main shore, at the time the same was taken possession of by the United States; and the board adjudges the true value of said bridge, roadway and approach, together with all the appurtenances thereunto belonging, to be \$2,000. And the board does therefore award to the town of Moline the said sum of \$2,000, upon the condition, however, that the United States shall have free use of the streets of Moline connecting with the bridge; the right to make such alterations in the approach to said bridge as they may desire; and the right to construct for their own use another bridge connecting the island of Rock Island with the town of Moline, at any point the United States may select. And does also award interest on the above sum at the rate of six per cent. per annum from this date of February 1, A. D. 1867, to the time of payment.

"The board then took under further consideration the claim of J. C. Taylor of Winnebago island, and after full and mature consideration of the showings of title submitted by the claimant, filed and marked N, Nos. 1, 2, and 3, the board finds therein no sufficient evidence of title to Winnebago island in the claimant, and the board does therefore make no award to the said claimant."

Rock Island railroad and wagon bridge.

"WASHINGTON CITY, February 2, 1867.

"The board then took under further consideration the matter of the railroad and bridge across Rock island and the Mississippi river.

"After hearing the parties in interest, and after full and mature deliberation, the board suggests that the location of the railroad across the island be changed to the lower extremity of the island, as laid down in the plans of the Ordnance department, and that the company be granted a permanent right of way across the island of such width, not exceeding one hundred feet, as may be necessary for the construction of a double track.

"For its suggestion as to the kind of wagon road that should be established, and the amount and kind of aid that should fairly and equitably be granted towards effecting those objects, the board adopts and recommends the following proposition of the Chicago, Rock Island, and Pacific Railroad Company, hereto attached and marked R. R. No. 1; with the additional condition that the United States shall have the right to connect with the track of the company such side tracks as may be desired for the use of the United States, and at such points as the Ordnance department may select."

Exhibit R. R. No. 1.

Whereas, in pursuance of an act of Congress entitled "An act making further provisions for the establishment of an armory and arsenal of construction, deposit, and repair on Rock island, in the State of Illinois," approved June 27, 1866, this company, by its agent, has been negotiating with the Secretary of War, through the board of commissioners referred to in said act, for the purpose of changing, fixing, and establishing the position of the railroad across Rock land, and the erection of a railroad and wagon bridge across the Mississippi river, and such agent has reported to this committee the following as the basis of a proposition for the settlement of all questions arising out of the occupancy of the island by said company, to wit:

The government to build, over the main channel of the river, an iron draw-bridge, in accordance with the conditions prescribed in the act of Congress of July 25, 1866; the frame to be of proper breadth for a double track; the wagon-way to be planked high enough to leave the lower chord for a railroad track. The government to give the company the right of way over this bridge and across the island, upon the payment of half the cost of the superstructure of the bridge. The bridge to be built with due regard to economy, having reference to strength and durability. The company to have five years from January 1, 1867, in which to connect with the new bridge, and to remove its present track across the island, and the old bridge and piers from the main channel. The company to open wagon-ways, for use of government, through their present embankment on the island, and remove, as far as practicable, present obstructions to wagon traffic between the island and city of Rock Island: Therefore,

Resolved, That this company will make the proposition aforesaid to the United States, and if approved by the Secretary of War, will enter into a contract, based upon those general principles.

OFFICE OF THE CHICAGO, ROCK ISLAND AND PACIFIC R. R. CO.,

New York, February 1, 1867.

I, F. H. Tows, secretary, do hereby certify that the foregoing is a true copy from the minutes of the proceedings of a meeting of the executive committee of this company, held at the city of New York this day.

Witness my hand and the seal of the said company hereunto affixed.

F. H. TOWS,

Secretary Chicago, Rock Island and Pacific Railroad Company.

The report required by law to be made by the board to the circuit court of the United States has been made, and the clerk of the board has been directed to deliver it in person to the judge or clerk of said court, and to report the performance of this duty by letter to the Chief of Ordnance.

The board, having finished the business before it, will adjourn this day, February 4, A. D. 1867, *sine die*.

All of which is respectfully submitted:

J. M. SCHOFIELD,

Major General.

JAMES BARNES,

SELDEN M. CHURCH,

Commissioners.

Summary of the awards made by the commissioners.

To George L. Davenport & Sister	\$40,740 00
To Robert Welch	1,300 00
To Daniel Jones	1,500 00
To D. B. Sears	145,175 00
To Peter Peterson	900 00
To David Sears	1,100 00
To Stevens, Huntoon & Woods	28,270 00
To James Robinson	1,300 00
To Nels Johnson	950 00
To city of Rock Island	14,357 20
Total	235,492 20

LETTER
OF
THE SECRETARY OF WAR,
COMMUNICATING,

In obedience to a resolution of the Senate of the 14th of February, 1867, the report of General Newton in relation to the encroachments in the harbor of New York.

FEBRUARY 18, 1867 — Read, ordered to lie on the table and be printed.

WAR DEPARTMENT,
Washington City, February 15, 1867.

SIR: In compliance with the Senate's resolution of February 14, 1867, I have the honor to transmit herewith a communication from the Chief of Engineers of this date, with General Newton's report, relative to the encroachments in the harbor of New York.

Very respectfully, sir, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. L. F. S. FOSTER,
President of the Senate.

ENGINEER DEPARTMENT,
Washington, February 15, 1867.

SIR: In compliance with the resolution of the Senate of the United States of the 14th instant, requesting the "Secretary of War to communicate to the Senate the report of General Newton, of the United States engineers, in relation to the encroachments in the harbor of New York," referred to this department, I have the honor to transmit herewith four communications from General Newton in relation to that subject, and beg leave to state, that in 1856 a commission consisting of General Totten, late Chief of Engineers, Professor Baché, Superintendent Coast Survey, and Rear-Admiral Davis, instituted by the State of New York, fixed the limiting shore lines of New York harbor, beyond which no structures, obstructions, or deposits should be allowed in the waters; particularly insisting on the importance of maintaining without diminution the reservoir spaces of the harbor for the free influx of flood tides. Their report, though accepted by the State of New York, and though including the New Jersey portion of the shore, has not been accepted by and is not binding on the latter State.

Serious encroachments are now in progress from the New Jersey shore, consisting for the most part of wharves, wagon roads, and extensions of the shore

The government to build, over the main channel a bridge, in accordance with the conditions prescribed July 25, 1866; the frame to be of proper breadth wagon-way to be planked high enough to leave the track. The government to give the company the right and across the island, upon the payment of half of the bridge. The bridge to be built with due reference to strength and durability. The contract January 1, 1867, in which to connect with present track across the island, and the channel. The company to open wagon-way their present embankment on the island. Remove all obstructions to wagon traffic between the two. Therefore,

Resolved, That this company, of the United States, and if approved by the government, based upon those general principles,

OFFICE OF THE CHIEF ENGINEER

I. F. H. Tows, secretary
from the minutes of the
this company, held at
Witness my hand &

Secretary

the main
railroad track
level of low water
and not complete
road Company of New
thereof. The other

The report re
the United States
to deliver it in
performance of the

The board to be done on account of the American Dredge
ruary 4, A. Black Tom's reef, the Central Railroad Co.
All of

and a tracing of a part of the harbor of New
of 1856, by which it will be seen at
ment mentioned is for the most part beyond
Totten, Professor Bache, and Captain C.
was approved by the commission.

The dotted line shows the line of wharves, near
former wharves in Jersey City; the three communicate
likewise represented by dotted lines, the inner being
the middle the railroad track on trestles or piles and
the unfinished line of cribs. Upon these, as likewise
the work is being prosecuted with vigor.

I made no survey, the lines being traced by the
proper to go further in this matter until I should be
the government so to do.

If the government has the power, such encroachments
Jersey City should be vigorously resisted and arrested.

The harbor commissioners' report was indorsed
York, and the lines of filling in the harbor were
course, cannot bind the State of New Jersey, though
necessary and proper, the sheet of water forming by
States are equally interested.

Extract from report of harbor commissioners, p

York, and page 172 of report, as published by order of the Chamber of Commerce :

* * * " We recommend for the present, to prevent encroachment, that a line of bulkhead be drawn round the eastern shore of Bergen, at the three-foot curve similar to that in Gowanus bay. This line is laid on the manuscript chart of the commissioner." * * *

I have the honor to be, general, your obedient servant,

JOHN NEWTON,

Lieut. Col. Engineers, Bvt. Major General U. S. A.

Major General A. A. HUMPHREYS,

Chief Engineer U. S. A.

NO. 7 BOWLING GREEN, NEW YORK,

September 10, 1866.

GENERAL : Since my report of the 4th instant, in relation to the encroachments of several parties upon the Jersey flats, I have come into possession of very important information.

In 1864, when it was feared the action of the New Jersey legislature would legalize an injurious filling in of these flats, a committee of the Chamber of Commerce referred the matter to the officers constituting the former advisory committee, viz., General Totten, Professor Bache, and Admiral Davis, who reiterated and re-enforced their former reports of 1856 and 1857 to the New York harbor commission. This opinion was submitted by the committee of the Chamber of Commerce to the members of the legislature of New Jersey, and a commission was appointed to report upon an exterior line for the whole of the shore of New Jersey bordering on the Hudson river. The New York Chamber of Commerce, in their report of 1864, evidently imagined that the report of the New Jersey commission would, in all respects, be similar to that of their own harbor commission of 1855, 1856, and 1857.

I am likewise in possession of maps of the New Jersey commission, submitted to the legislature in 1865, which fixes a line of solid bulkhead and an outer line of piers far in advance of the lines recommended by the New York harbor commission, and it is doubtless in accordance with this recommendation, and by virtue of grants given by the State of New Jersey, that the New Jersey Central Railroad and other parties have commenced encroachments, which are being pushed with the greatest vigor and rapidity.

This whole question has been so publicly discussed, and by men of such acknowledged fairness and ability, that there is no excuse for the cupidity and avarice which has dictated these encroachments. In my opinion, an injunction should at once be put upon these operations and a United States commission appointed to the harbor.

I have the honor to be, &c., &c.,

JOHN NEWTON,

Lieutenant Colonel and Brevet Major General U. S. A.

Brevet Major General A. A. HUMPHREYS,

Chief Engineer U. S. A., Washington, D. C.

ENGINEER OFFICE, NO. 7 BOWLING GREEN,

New York, September 26, 1866.

GENERAL : I enclose herewith an extract from the Tribune of this date, which, in relation to my former reports upon the encroachments of the New

Jersey Central Railroad Company upon the waters of this harbor, may be of interest.

My opinion now and formerly has been that the company intend to push their encroachments until the pecuniary value involved in work done may prove a serious difficulty in the rectification of the wrong committed.

I have the honor to be, very respectfully, your obedient servant.

JOHN NEWTON.

Lieutenant Colonel Engineers, Brevet Major General U. S. A

P. S.—I have not had opportunity to verify this report.

JOHN NEWTON

SINGULAR MOVEMENT IN THE BAY.

Between sundown on Saturday night and early Monday morning the New York and New Jersey Railroad Company caused to be driven down a line of piles about a mile in length, commencing at Communipaw and extending out into the bay south of the Central railroad, on which it is intended to construct a wharf pier some 6,000 feet in length.

On Monday and yesterday a number of steam-tugs, probably employed by the riparian owners, were engaged in pulling up the piles—which are but temporary affairs—and the company were engaged in replacing them.

U. S. ENGINEER OFFICE, No. 7 BOWLING GREEN,

New York, January 29, 1867.

GENERAL: I transmit herewith a tracing exhibiting the contemplated filling in of a portion of the Jersey flats as far down as Cavan's Point, under grant of a privilege from the legislature of New Jersey to the New Jersey Central Railroad Company.

The lines in red show the projected work as described to me by John T. Johnston, esq., president of the railroad company, and the other portions of the sketch are traced from a published sheet, entitled "Map showing the survey of lands lying under the waters of the Hudson river and bay of New York, and of lands adjacent thereto. To accompany report of the commissioners to the legislature of the State of New Jersey, 1865. R. C. Bacot, chief engineer, superintendent."

The company, as I understand, have no intention to suspend the prosecution of this work, but Mr. Johnston expressed a wish to learn what action, if any, the government proposed to take.

The company, as I understand from the president, intend keeping the slips between the piers dredged to prevent a silting up. The increase of the city and the crowded state of the docks and wharves at its lower portion, may have the effect of rendering the conversion of the Jersey flats into docks and basins convenient and desirable to commercial and business interests.

The plan of so doing deserves a careful study from those acquainted with the subjects involved therein, and it may be such a course might prevent the building of structures prejudicial to the harbor of New York.

I have the honor to be, general, your obedient servant,

JOHN NEWTON.

Lieutenant Colonel Engineers, Brevet Major General

Major General A. A. HUMPHREYS,

Chief of Engineers.

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING.



compliance with a resolution of the Senate of the 8th of January last, calling for information in relation to violations of the act entitled "An act to protect persons in the United States in their civil rights and furnish the means of their vindication," such information as is in the possession of the departments on the subject, and the steps taken to enforce the law.

FEBRUARY 19, 1867.—Read, ordered to lie on the table and be printed.

to the Senate of the United States:

I have received a resolution of the Senate, dated the 8th day of January last, requesting the President "to inform the Senate if any violations of the act entitled 'An act to protect all persons in the United States in their civil rights, and furnish the means of their vindication,' have come to his knowledge; and if so, what steps, if any, have been taken by him to enforce the law and punish the offenders."

Not being cognizant of any cases which came within the purview of the resolution, in order that the inquiry might have the fullest range I referred it to the heads of the several executive departments, whose reports are herewith communicated for the information of the Senate.

With the exception of the cases mentioned in the reports of the Secretary of War and the Attorney General, no violations, real or supposed, of the act to which the resolution refers have at any time come to the knowledge of the Executive. The steps taken in those cases to enforce the law appear in those reports. The Secretary of War, under date of the 15th instant, submitted a series of reports from the General commanding the armies of the United States, and other military officers, as to supposed violations of the act alluded to in the resolution, and the request that they should be referred to the Attorney General "for his investigation and report, to the end that the cases may be designated which are committed by the civil authorities, and such as are cognizant by military tribunals." I have directed the reference so to be made.

ANDREW JOHNSON.

WASHINGTON, February 18, 1867.

List of papers.

Report of the Attorney General.
Report of the Secretary of State.
Report of the Secretary of the Treasury.
Report of the Secretary of War.
Report of the Secretary of the Navy.
Report of the Secretary of the Interior.
Report of the Postmaster General.

ATTORNEY GENERAL'S OFFICE.

January 21, 1867.

SIR: I have the honor to acknowledge the receipt of a copy of a resolution of the Senate of the United States of January 8, referred by you to this office for report. The resolution is in these words:

Resolved, 'That the President be requested to inform the Senate if any violations of the act entitled 'An act to protect all persons in the United States in their civil rights, and furnish the means of their vindication,' have come to his knowledge; and if so, what steps, if any, have been taken by him to enforce the law and punish the offenders.'

The provisions of the act which specially refer to the President for executive action are contained in the 4th, 8th, and 9th sections.

By the first clause of the 4th section it is provided, "That the district attorneys, marshals and deputy marshals of the United States, the commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting, imprisoning, or bailing offenders against the laws of the United States, the officers and agents of the Freedmen's Bureau, and every other officer who may be specially empowered by the President of the United States, shall be, and they are hereby, specially authorized and required, at the expense of the United States, to institute proceedings against all and every person who shall violate the provisions of this act."

The 8th section provides, "That whenever the President of the United States shall have reason to believe that offences have been, or are likely to be, committed against the provisions of this act within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and district attorney of such district to attend at such place within the district, and for such time as he may designate, for the purpose of the more speedy arrest and trial of persons charged with a violation of this act; and it shall be the duty of every judge or other officer, when any such requisition shall be received by him, to attend at the place and for the time therein designated."

Section 9 provides, "That it shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to prevent the violation and enforce the due execution of this act."

No report has, within my knowledge, been made to you from this office in relation to any violations of the above-mentioned act, nor am I advised that any report has been made to this office of any such violations. A case has been referred to this office by the Secretary of War, which may involve a violation of the provisions of the act which forbid a discrimination against people of color under the penal laws of the States. It is the case of one William Fincher, a person of color in the State of Georgia. The action taken by this office upon this reference appears in the following letter:

" ATTORNEY GENERAL'S OFFICE,

" December 11, 1866.

" SIR: It has been represented to the President that a person has been subjected to, and is now suffering, (not as a punishment of crime whereof he has been duly convicted,) a condition of involuntary servitude within the United States, in contravention of Article XIII, section 1, of the Constitution of the United States.

"If a question so grave, and of such high and prevalent interest, has legitimately arisen, it becomes the duty of the government, independently of the presumptive indigence of the party in a case involving vagrancy, to direct the zealous co-operation of the counsel of the United States with that of the petitioner in the courts of law.

It is alleged that one William Fincher is now performing compulsory labor in the chain gang in Pike county, Georgia, a condition of constraint which he was forcibly subjected without having been convicted of, or charged with any crime, defined as such in the laws of Georgia; that he was indicted as a vagrant, and convicted of vagrancy in the county court; that upon a hearing before an appellate court, on *certiorari*, the prosecution below was sustained, that the whole proceedings were had upon insufficient evidence of the charge; the sentence was given with circumstances of severity, and that the object of the prosecution was to destroy the party's influence and action in the community as a colored preacher, zealously attached to some society or association which is offensive to public sentiment. Such is the information which has been communicated; but your action in the premises will be grounded exclusively upon the facts as you may discover them upon investigation.

I have to instruct you to inquire into and immediately report the substance and circumstances of this case; the law and practice of Georgia in full touch with the matter, and a full abstract of the record of the prosecution throughout; stating particularly whether, and if so when and how, the case has been adjudicated by the highest appellate court of the State having jurisdiction of the matter.

You will understand that, unless your report shall show that it is entirely practicable, the object of the President is to have the matter brought forward for adjudication by the Supreme Court of the United States.

"I am, sir, very respectfully, your obedient servant,

"HENRY STANBERRY,
"Attorney General.

HENRY S. FITCH, Esq.,

"United States Attorney, Savannah, Georgia."

It will be observed that this letter purports that the facts of Fincher's case were represented to the President. This expression was according to the usual formula in such cases; but, in point of fact, the representations came through the War Department to this office.

From the facts stated, it was supposed, as will be seen by the letter, that they involved a question of the infraction of the late constitutional amendment. It may appear, when the report of the district attorney is received, that they involve an infraction of the civil rights bill.

The district attorney replied to this letter under date of December 15, 1866, acknowledging its receipt, and stating that he would proceed at once to Pike county and make a rigid investigation of the facts, and report as soon as possible. No report having been received, his attention was again called to the subject; and, by a despatch received from him on the 19th instant, he states that in the absence of material witnesses and the pressure of public business had delayed his report, but says that it will be mailed from Savannah this day.

I am not advised of any other case which requires executive action under the sections which have been enumerated, or under any other section of the civil rights bill.

I have the honor to be, very respectfully, &c.,

HENRY STANBERRY,
Attorney General.

The PRESIDENT.

ATTORNEY GENERAL'S OFFICE,
Washington, January 28, 1867.

SIR: I had the honor on the 21st instant to make a report to you upon the resolution of the Senate of the 8th, for information of any violations of the

civil rights act. The case of William Fincher, a person of color, in the State of Georgia, was referred to in my report; as to which I was unable to say, with the information then before me, whether it came within the purview of the resolution. I stated that I had directed the district attorney at Savannah to investigate and report fully upon the case, but that I had not, up to that date, received his report. It has now come forward, and is herewith communicated.

I have the honor to be, sir, very respectfully,

HENRY STANBERY.

The PRESIDENT.

OFFICE UNITED STATES ATTORNEY FOR GEORGIA,
Savannah, January 21, 1867.

SIR: Upon receipt of your communication of December 11, 1866, relative to the case of William Fincher, "reported as suffering (not as a punishment for crime whereof he had been duly convicted) a condition of involuntary servitude within the United States in contravention of Article XIII, sec. 1, of the Constitution of the United States," I proceeded at once to the district in which Fincher was confined, (distant from Savannah some two hundred miles,) in order thoroughly to investigate, according to your instructions, the substantial circumstances connected therewith.

My apparent neglect to report was necessitated by unexpected delays in securing a correct transcript of the record, and in ascertaining such collateral facts as would enable me to form an intelligent opinion as to the actual merits.

Enclosed you will find a certified copy of the proceedings had in the county and superior courts, together with an explanatory letter from Fincher's counsel. It seems that Fincher was presented by a grand jury as a vagrant, tried by a petit jury, and convicted. On *certiorari* the cause was carried to the superior court, and, after argument, the *certiorari* was dismissed and the verdict below affirmed.

Here the record ends. By the code of Georgia, (now embodied and made a part of the constitution of the State by the convention of 1865,) the common and statute laws of England, enforced in Georgia prior to the 14th of May, 1776, are continued in force so far as the same have not been modified or superseded by the code itself. It follows, therefore, that vagrancy in Georgia is a crime.

This the code places beyond dispute by the penal sanction it prescribes for the offence. (Sec. 4435, page 563, vide Exhibit 1.) This section was amended by an act of the general assembly approved 12th March, 1866. (Georgia Laws, page 234, vide Exhibit 2.) In connection with the same grade of offences the legislature, on the 20th March, 1866, passed an act entitled "An act to alter and amend the penal code of Georgia," to which I here make reference as explaining the peculiarity of the punishment inflicted upon Fincher. (Georgia Laws, page 233, vide Exhibit 3.) It was under this act that Fincher was sentenced to the chain-gang. Section 4532 of the code (vide Exhibit 4) provides that in all criminal cases the jury shall be judges of the law and fact, and this doctrine, under the decisions of the supreme court of the State, is carried to an extraordinary length; in fact, so far as to render a new trial, simply because the verdict is contrary to law and evidence, almost impossible. The favorite proposition, repeatedly reiterated by the appellate court, is that the verdict must be "so grossly" in contravention of the law and evidence as to "shock the understanding and moral sense." *Shepherd's, Adm. vs. Burkhalter*, 13 Ga.; *Powell's Adm. vs. Bigby*, 14 Ga.; *Williamson vs. Nabers*, 14 Ga.; &c.

It will be perceived from these citations that there is nothing in Fincher's case, according to the present laws of Georgia, rendering it an exception either in the mode of procedure or the punishment inflicted. He was indicted for a

ne under the State laws, was tried by a jury, had the benefit of counsel, convicted, and sentenced in conformity with the statutes of the State. In lity he is suffering "involuntary servitude as a punishment for crime whereof had been duly convicted" according to the laws of Georgia. How far these s conflict with Article XIII of the Constitution I do not understand you as uiring any expression of opinion. It is now, and was at the date of your er, too late to carry this case to the supreme court of Georgia, and thence to United States Supreme Court for final adjudication.

By the rules of practice as well as by positive enactment all bills of exceptions st be tendered the judge within thirty days of adjournment. (Secs. 4161 and 71, code.)

The superior court for Pike county adjourned on or before the 1st of November, 1866. Why a writ of error, which would have operated as a superseus, was not applied for is explained by letter of counsel herewith enclosed. hile I cannot resist the conclusion, as the result of my inquiries, that defendt was unjustly convicted, owing to the bias of the jury, and sentenced, from a ailar cause, with unusual severity, I am at a loss to discover any legal remedy. The history of jury trials is too prolific of equally disreputable findings to ader Fincher's case an anomaly.

It would appear from the letter of his own attorney, W. C. Brannan, (himself an agent of the Freedmen's Bureau,) that Fincher's antecedents were not of exemplary a character as to entitle him to any peculiar sympathy. My own quires have confirmed this opinion. I deem it proper to state, in conclusion, at the general assembly, on the 17th of March, 1866, enacted almost verbatim e first section of the civil rights bill. (See Exhibit —.) Theoretically, thereore, no distinction is made under the laws of Georgia between whites and lacks; practically, I am sorry to say, the distinction is very broad, principally wing to the prejudices of jurors.

Trusting that my report may prove satisfactory, I have the honor to remain, ery respectfully, your obedient servant,

HENRY S. FITCH,
U. S. Attorney.

Hon. HENRY STANBERRY,
Attorney General.

No. 1.

SECTION 4435. Any person wandering or strolling about, or leading an idle, moral, profligate course of life, who has no property to support him, and who able to work, or otherwise to support himself in a respectable way, or who is a professional gambler, shall be deemed and considered a vagrant, and shall be icted as such as in other cases, and, on conviction, shall be punished by conement and hard labor in the penitentiary for any time not less than two nor iger than four years: *Provided, nevertheless,* That at any time before conviction d indictment shall be quashed upon the defendant's paying costs and giving nd and good security, in open court, for his good behavior and future industry one year. The amount of such bond shall not exceed four hundred dollars.

No. 2.

"All persons wandering or strolling about in idleness, who are able to work, d who have no property to support them; all persons leading an idle, immoral, profligate life, who have no property to support them, and are able to work, i do not work; all persons able to work, having no property to support them,

and who have not some visible and known means of a fair, honest, and reputable livelihood ; all persons having a fixed abode who have no visible property to support them, and who live by stealing or by trading in, bartering for, buying stolen property ; and all professional gamblers, living in idleness, shall be deemed and considered vagrants, and shall be indicted as such ; and it shall be lawful for any person to arrest said vagrants, and have them bound over for trial to the next term of the county court, and upon conviction they shall be fined or imprisoned, or sentenced to work on the public works or roads, for not longer than a year, or shall, in the discretion of the court, be bound out to some person for a time not longer than one year, upon such valuable consideration as the court may prescribe, the person giving bond, in a sum not to exceed three hundred dollars, payable to said court, and conditioned to clothe, and feed, and provide said convict with medical attendance for and during said time : *Provided*, That the defendant may, at any time before conviction, be discharged upon paying costs and giving bond and security in a sum not exceeding two hundred dollars, payable to said court, and conditioned for the good behavior and industry of defendant for one year."

No. 3.

SECTION 1. That from and after the passage of this act the crimes defined in the following sections of the penal code as felonies, and punishable by imprisonment in the penitentiary, shall henceforth be reduced below felonies, and punished in the manner hereinafter set forth. (Section 4435 not included in this modification.)

SECTION 2. That all other crimes designated in the penal code punishable by fine and imprisonment, or either, shall be likewise punishable in the manner hereinafter set forth ; that is to say, the punishment for any of the aforesaid crimes, hereafter committed, shall be a fine not to exceed one thousand dollars, whipping not to exceed thirty-nine lashes, to work in chain-gang on the public works not to exceed twelve months, and any one or more of these punishments may be ordered in the discretion of the judge.

No. 4.

AN ACT to define the term "person of color," and to declare the rights of such persons. **AP**
proved March 17, 1866.

SECTION 2. That persons of color shall have the right to make and enforce contracts, to sue, be sued ; to be parties, and give evidence ; to inherit, to purchase, lease, sell, hold, and convey real and personal property, and to have full and equal benefit of all laws and proceedings for the security of person and estate, and shall not be subjected to any other or different punishment, pain or penalty for the commission of any act or offence than such as are prescribed for white persons committing like acts or offences.

SECTION 3. That all laws and parts of laws in relation to slaves, and free persons of color, militating against this act, be, and the same are hereby, repealed.

August Term, 1866.—Special presentment.—John H. Baker, foreman ; F. W. A. Doyle, County solicitor.

THE STATE
vs.
WILLIAM FINCHER. }
GEORGIA, *Pike county* :

The grand jurors chosen, sworn, and selected for the county of Pike, to wit, the undersigned, by special presentment, in the name and behalf of the citizens

Georgia, charge and accuse William Fincher, a freedman of the county and afore said, of vagrancy, for that the said William Fincher in the county aforesaid on the eighth day of July, in the year of our Lord eighteen hundred and sixty-six, and on divers days and times before and after that day and evious to the finding of this presentment, did wander and stroll about then d there, leading an immoral and profligate course of life—said William Fincher en and there having no property to support himself, and who is able to work otherwise support himself in a respectable way—contrary to the laws of said ate, the good order, peace, and dignity thereof.

August term, 1866; John H. Baker, foreman; Pleasant Davis, Stephen D. Williamson, James P. Blossengane, Martin C. Cochran, Peter E. Fossett, Isaac McLeroy, Green W. Jackson, David A. Gasque, Absalom P. Montgomery, Henry J. Furguson, Isaac Strickland, William H. Willis, William Barrett, Christopher Parker, William J. Barnes, Andrew J. Blalock.

Bill of indictment waived and consent that the special presentment instead thereof.

W. T. C. BRANNAN,
T. M. CARTER,
Defendant's Attorneys.

The defendant, William Fincher, formally arraigned and pleads not guilty.
August term, 1866.

F. W. A. DOYLE, *Co. Sol.*

Evidence.

A. B. Vaughn sworn: Does not know how defendant makes his living; has not seen him engaged at work since Christmas; has frequently seen him along the road and at home not engaged; heard him say in February last he had no money; knows of no visible means he has of a support; has seen a cow at his house; he has a little patch planted but has not cultivated it; never saw him at work in it; no prospect of making a crop on it; does not know of his having any trade or calling; he has two women and several children in family; has not seen him at work since last of February or 1st of March; has not seen the least sign or inclination in him to work since; has not met him of nights, for witness has not been out himself; there were some 1,500 or 2,000 rails split on the place last winter; has not seen him or known of his being in the employ of any person since last winter; knows of no income he has; passed a meeting of freedmen last Saturday evening, near the old steam saw-mill; the defendant was speaking to them; there were some fifty present; lives two miles from defendant, who lives on a very public settlement road; has passed his house often this year and has seen him at home a dozen times; does not know who cleared the patch; defendant came to witness last spring to buy an ox, he said to plough, and said he had no money; I did not sell to him; does not know that he makes his living by pilfering.

Thomas J. Barrett sworn: States he has not seen defendant employed the present year; defendant lives in Pike county, Georgia, five and a half miles south of Zebulon; has a small patch planted, not sufficient to support his family if it had been cultivated; defendant follows no trade that witness knows of, and has no property or means within witness's knowledge; has not seen him often; defendant wished to buy a beef from witness in June; did not let him have it; has seen him passing the road several times; does not know how he supports himself; knows of no illegal means by which he procures a support.

William J. Fincher sworn: Says he has known defendant all his (witness's) life. Defendant has a wife and four children; and another woman and child

live with him; he had some corn last winter or spring; he is a mechanic; does not know of his working at his trade this year; saw defendant pass witness's house; worked for witness two or three days last spring; have seen him pass with tools; saw him at work, where he lives, splitting rails last winter; defendant is not a stout man; not able to do heavy work; don't know that he has been able to do heavy work. During the time witness owned him, he looked on him as being perfectly honest, and he was intrusted with the business of the place, and acted honestly. Witness does not know of his having been sick.

Milas Hagins sworn: Says he is acquainted with defendant; knows of no livelihood followed by him for a support; knows of no property belonging to defendant; has seen a cow and calf in his pen; knows of his following no trade or calling; witness was near by at three meetings of freedmen last week, Tuesday and Thursday nights, and Saturday evening; defendant spoke at all of them; witness was concealed; defendant said he had so much power given him, he could hardly speak; he had just learned how much power he had; that if they did not stand up for the schools against the white folks, he had power to hang them up by the neck; he had hung two by the thumbs; two of the meetings were at Lije Taylor's, (freedman,) in the mountains; the other at Bill Barrett's, (freedman;) no other white person present; they did not see witness; he said he wanted money to start schools and put up a store: there was none paid in; he was to receive it; he intended to have schools if the white people objected. Witness lives in the neighborhood of defendant; does not suppose he has done a week's work this year; the work that has been done there was by frolics, asking others to help. Defendant said he could send to Augusta and get authority to do what he wanted to; he said if they did not give him liberty to have a school at Fincher's church, he would send to Augusta and get authority, and have it in spite of them; I never saw defendant engaged in illegal business, nor heard him make any statement in defiance of the law.

Joseph Youngblood sworn: Says he has known defendant ten years; does not know that he has any means of support; defendant lives within one hundred or one hundred and fifty yards of witness, in Pike county, Georgia; knows of no business that he follows; he is a farmer and mechanic; he has a cow and calf, and a one-horse wagon that he claims; witness does not know of his having been sick this year; he has two women and five children living there with him; never has seen either of the women at work; heard the wheel there last winter; has not heard it this summer; has seen the defendant passing the road frequently of evenings and mornings; witness sold defendant two bushels of corn last winter, and has not got his pay.

Emily McDaniel (freed girl) sworn: Says she is acquainted with defendant and staid at his house a day and night last week; they had soup and bread for breakfast; the soup looked like starch, and they had bread and greens for dinner; the defendant lay on the bed and slept the first evening, and went off next morning; witness did not see him do anything; his wife carded and spun; did not see anything to live upon; saw some milk, not much.

The testimony for the State closed.

The defendant introduced William Guilford (freedmen) sworn: States he is acquainted with defendant; witness has a shop in Barnesville; never has been at defendant's; witness is president of the Equal Rights Association of Upson county, and agent of this county; the defendant is vice-president of the society of this county, and the office is pretty good profit; defendant was appointed by witness; his pay is \$30 or \$40 per month; if the friends here do not pay, the benevolent friends north are to pay; does not know that he has been paid any-

ing yet ; the business of the association is to establish schools, bury the dead, and employ lawyers ; witness is to get \$60 per month ; he is agent for Loyal Georgian ; he has not received any pay yet ; he let the defendant have two bushels of corn last June, out of some supplies that had been sent to him as agent ; has received no report yet ; has to report to Captain Bryant and General Tilson ; knows of no visible means of support that defendant has.

Charles Fambrough (freedman) sworn : Says he is president of the Equal Rights Association for this county ; the objects of the association are to get up schools, attend to the poor and sick, bury the dead, and cultivate good feelings between the freedmen and their former masters. It is the duty of the vice-president to do all he can for the society ; defendant is vice-president for this county ; witness appointed him just before the fourth of July ; witness was elected by a committee at Barnesville ; his pay is not to exceed \$40 per month ; there is nothing contrary to law or illegal in the society ; we are to report to Captain Bryant ; we are to draw from benevolent societies north when we fail to make up ; knows nothing of the pecuniary condition of defendant ; was never at his house ; has heard him preach ; the association promised to pay my salary, but have received nothing yet ; witness works in a shoe shop for Mr. Bloodworth.

Dr. E. W. Wilson sworn : Says he is a physician, and is acquainted with defendant ; treated him in sickness several years since, and has let him have some pills this year ; defendant is not as stout as witness, but is able to do good work ; he is not as stout as some men ; his liver has been diseased.

Josh Mangham (freedman) sworn : Says defendant is vice-president of the association ; never heard until to-day what he was to get ; witness promised when he gathered his crop to give him something, so did the most of them ; witness is treasurer of the association, and there is one dollar and forty cents in the treasury ; defendant is a minister, and before he was freed was very industrious ; does not know whether he has anything to support on or no.

Rich. Mangham (freedman) sworn : Says he is chaplain of the association, but that he is no preacher ; he paid one dollar when he joined ; there is nothing unlawful in it ; he has attended all the meetings ; there were only two last week ; heard nothing said wrong at either meeting ; the members agree to pay something this fall to the vice-president.

The evidence closed, and, after argument to the jury by counsel for the defendant and State, the judge charged the jury :

That if they believed from the evidence that the defendant was wandering and strolling about in idleness, and that he was able to work and had no property to support him, and no visible and known means of a fair, honest, and reputable livelihood whereby to make a support, that constituted vagrancy, and it is their duty so to find. That if defendant was the vice-president of an association, and that was not proven to be disreputable, and the emoluments of the office were sufficient to support him, he was not required to work, notwithstanding he might have no property ; for if the emoluments of an office are sufficient to support the incumbent, and the filling of that office is an honest and reputable livelihood, he is not guilty of vagrancy though he may be destitute of property and live in idleness. That if they entertained a reasonable doubt of the guilt of the defendant, it was their duty to give him the benefit of the doubt and find him not guilty. That they were the judges of the law and the facts in the case, and, as they believed, so find.

The jury retired to their room and returned into court and delivered a verdict

"We, the jury, find the defendant guilty."

JOHN B. SLATON, *Foreman.*

Whereupon the defendant's counsel moved for a *certiorari* to the superior court upon the following grounds :

1. That the finding of the jury was contrary and against the evidence in the case.

2. That the verdict and finding was wholly and totally contrary and against the weight of evidence in the case.

3. That said verdict and finding was against the charge of the court.

Upon the petition of defendant's counsel a *certiorari* was granted, and the proceedings in the case certified to the superior court.

At the October term, 1866, of Pike superior court, the *certiorari* was heard and returned with the following order entered thereon :

It is ordered by the court, upon hearing the foregoing *certiorari*, that it be dismissed, and that the defendant be remanded into the custody of the sheriff of this county and carried before the judge of the county court, to be sentenced according to law.

A. D. HAMMOND, *Sol. Gen'l.*

County court of Pike county, October term, 1866.

THE STATE

vs.

WILLIAM FINCHER, (freedman.) }

Indictment for vagrancy and verdict of guilty at August term, 1866. *Certiorari* to superior court, and judgment of that court dismissing the *certiorari* and ordering the defendant to be brought before this court to be sentenced according to law.

Whereupon it is considered, ordered, and adjudged by the court that the sheriff of this county take the defendant, William Fincher, (freedman,) from the bar of this court to the county jail, there to be safely kept until demanded by the inferior court of the county, to be by them placed at hard labor on the public works or roads for and during the full term and time of twelve months, to be computed from the present term, and then be discharged ; and that defendant pay the cost of this prosecution.

STATE OF GEORGIA, *Pike county :*

I, Hartford Green, judge of the county court in and for said county, hereby certify that the above and foregoing eight pages is a true extract of the minutes and papers of file in my office, had in the case of the State *vs.* William Fincher (freedman) for vagrancy.

Given under my hand and official signature at office in Zebulon, in said county, with the seal of the court attached, this the 24th day of [SEAL.] October, 1866.

H. GREEN, *Judge County Court.*

OFFICE AG'T BUREAU REFUGEES, FREEDMEN AND ABANDONED LANDS,
Pike County, Ga., Zebulon, January 4, 1867.

SIR : Yours of a recent date has just been received. I would say in regard to Fincher's case, that everything was done for him that could have been done for any man, but it was not sufficient to release him. I, together with T. M. Carter, esq., were his counsel, and after the conviction in the county court, we saw proper to carry his case to the superior court by *certiorari*, and after argument the judge decided that there was no error in the verdict of the jury in

court below. He predicated his decision upon the ground that there was uncertainty as to Fincher's receiving any emoluments whatever from the society which he was vice-president; and that if it was a fact that the society had paid him thirty-five or forty dollars per month as a salary, it was not incorporation, could not be sued, and, of course, could not be relied on. He considered that there was no other evidence to support the defence of the defendant Fincher. I desired and would have carried his case to the supreme court, but could not do so unless my fees were advanced, and it was impossible for me to raise the money. From facts that have come to my knowledge since the trial, I feel satisfied that his character for virtue and morality is not better than it should be. He had a wife, and another woman living with him, and his wife says that he was intimate with this woman that was living at his house. In the bill of indictment he was not charged with the crime of adultery. Enclosed you will find the certificate of the county judge in regard to the manner in which Fincher's case was conducted. Trusting that this report may meet your approval, I remain, respectfully, your obedient servant,

W. T. C. BRANNON,
Agent, &c., Pike County, Georgia.

HENRY S. FITCH, Esq.,
United States Attorney for Georgia.

STATE OF GEORGIA, *Pike county :*

I, Hartford Green, judge of the county court in and for said county, hereby certify that upon the trial in said court in the case of the State vs. William Fincher, on indictment for vagrancy, Walter T. C. Brannon and Thomas M. Carr, attorneys for defendant, managed the defence in a skilful and able manner, devoting some two days of the court exclusively to obtaining witnesses, examining them, and arguing points of law to the court, and addressing the jury. After the finding of the jury they sued out a *certiorari* to the superior court, and I was present upon the hearing of the *certiorari*, and take pleasure in stating that both defendant's attorneys made able and lengthy arguments in favor of the *certiorari* and received the commendation of the court and several members of the bar for the able and skilful manner in which they conducted the case.

Given under my hand and seal of office this the 4th day of January, 1867.

H. GREEN,
Judge County Court.

DEPARTMENT OF STATE,
Washington, January 23, 1867.

The Secretary of State has received a copy of a resolution of the Senate inquiring if any violation of the act entitled "An act to protect all persons in the United States in their civil rights, and furnish the means of their vindication," has come to the knowledge of the President; and if so, what steps, if any, have been taken by him to enforce the law and punish the offenders.

The Secretary of State has the honor to report that the Department of State has no knowledge or information on the subject of the resolution.

WILLIAM H. SEWARD.

The PRESIDENT.

TREASURY DEPARTMENT,

January 22, 1867.

DEAR SIR : I have received from the Attorney General a copy of a resolution adopted by the Senate of the United States on the 8th instant, which is as follows :

“Resolved, That the President be requested to inform the Senate if any violations of the act entitled ‘An act to protect all persons in the United States in their civil rights, and furnish the means of their vindication,’ have come to his knowledge; and if so, what steps, if any, have been taken by him to enforce the law and punish the offenders.”

No information has been received by this department of any violations of the act referred to, nor have I been made cognizant of any violations of it by information received from any quarter.

I have the honor to be, very truly, your obedient servant,

H. McCULLOUGH.

The PRESIDENT.

WAR DEPARTMENT,

Washington City, February 15, 1867.

SIR : I have the honor to acknowledge the receipt of Senate resolution of January 8, 1867, requesting the President to inform the Senate “if any violations of the act of Congress entitled ‘An act to protect all persons in the United States in their civil rights, and furnish the means of their vindication,’ have come to his knowledge; and if so, what steps, if any, have been taken by him to enforce the law and punish the offenders,” together with a report of the Attorney General on the construction of the act referred to, which papers were referred to me by you for report on the 23d of January. In answer to said reference I have the honor to report : First, that in relation to the steps taken by this department to enforce the act of Congress referred to in the said resolution, so far as its execution devolved upon military authorities, it was promulgated in General Orders No. 50, July 21, 1866, to all commanders of military departments, districts, and posts, a copy of which order is hereto attached. The enforcement of said act of Congress is also one of the general regulations of the Bureau of Refugees, Freedmen and Abandoned Lands. And a General Order, hereto attached, was also issued from the army headquarters.

No instance has been reported to this department of any neglect or refusal by military officers or employes of this department to enforce, to the extent of their legal authority, the provisions of the aforesaid act of Congress within their respective commands and stations, and I have no knowledge of any such neglect or refusal having been reported to the President.

Second. The following cases of alleged violation of the said act of Congress were officially reported to the President, to wit :

1. The case of Dr. Watson, for the murder of a negro in the department of Virginia, who, after his discharge by civil tribunal, was put on trial before a military commission, which was dissolved on the ground of want of jurisdiction, under the decision of the Supreme Court.

2. The case of William Fincher, a person of color, sentenced to the chain-gang in Georgia as a vagrant, which was referred to the Attorney General, and is under his direction and charge.

3. The case of — Perkins, in the State of Texas, where protection to a colored man from alleged illegal acts under color of civil authority was afforded by the assistant commissioner of the Freedmen’s Bureau, and his action approved by this department. Full reports of these cases are hereto annexed.

No other reports of the violation of the act aforesaid have been made to you me. Reports by military commanders of crimes and offences committed against freedmen and others in their respective commands have been made to this department and referred to the Attorney General for his opinion on the appropriate remedy. Whether they or any of them constitute violations of the civil rights law, I am unable to state.

Your obedient servant,

EDWIN M. STANTON,
Secretary of War.

The PRESIDENT.

[General Orders No. 50.]

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, July 21, 1866.

The following act of Congress is published for the information and government of all concerned :

[PUBLIC—No. 26.]

AN ACT to protect all persons in the United States in their civil rights, and furnish the means of their vindication.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are hereby declared to be citizens of the United States; and such citizens, of every race and color, without regard to any previous condition of slavery or involuntary servitude, except as a punishment for crime whereof the party shall have been duly convicted, shall have the same right, in every State and Territory in the United States, to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold, and convey real and personal property, and to the full and equal benefit of all laws and proceedings for the security of person and property, as is enjoyed by white citizens, and shall be subject to like punishment, pains, and penalties, and to none other, any law, statute, ordinance, regulation, or custom, to the contrary notwithstanding.

SEC. 2. *And be it further enacted,* That any person who, under color of any law, statute, ordinance, regulation, or custom, shall subject, or cause to be subjected, any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties than account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding one year, or both, in the discretion of the court.

SEC. 3. *And be it further enacted,* That the district courts of the United States, within their respective districts, shall have, exclusively of the courts of the several States, cognizance of all crimes and offences committed against the provisions of this act, and also, concurrently with the circuit courts of the United States, of all causes, civil and criminal, affecting persons who are denied or cannot enforce in the courts or judicial tribunals of the State or locality where they may be any of the rights secured to them by the first section of this act; and if any suit or prosecution, civil or criminal, has been or shall be commenced in any State court against any such person, for any cause whatsoever, or against any officer, civil or military, or other person, for any arrest or imprisonment, trespasses,

or wrongs done or committed by virtue or under color of authority derived from this act or the act establishing a bureau for the relief of freedmen and refugees, and all acts amendatory thereof, or for refusing to do any act upon the ground that it would be inconsistent with this act, such defendant shall have the right to remove such cause for trial to the proper district or circuit court in the manner prescribed by the "act relating to habeas corpus and regulating judicial proceedings in certain cases," approved March three, eighteen hundred and sixty-three, and all acts amendatory thereof. The jurisdiction in civil and criminal matters hereby conferred on the district and circuit courts of the United States shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where such laws are not adapted to the object, or are deficient in the provisions necessary to furnish suitable remedies and punish offences against law, the common law, as modified and changed by the constitution and statutes of the State wherein the court having jurisdiction of the cause, civil or criminal, is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern said courts in the trial and disposition of such cause, and, if of a criminal nature, in the infliction of punishment on the party found guilty.

SEC. 4. *And be it further enacted*, That the district attorneys, marshals, and deputy marshals of the United States, the commissioners appointed by the circuit and territorial courts of the United States, with powers of arresting, imprisoning, or bailing offenders against the laws of the United States, the officers and agents of the Freedmen's Bureau, and every other officer who may be specially empowered by the President of the United States, shall be, and they are hereby, specially authorized and required, at the expense of the United States, to institute proceedings against all and every person who shall violate the provisions of this act, and cause him or them to be arrested and imprisoned, or bailed, as the case may be, for trial before such court of the United States or territorial court as by this act has cognizance of the offence. And with a view to affording reasonable protection to all persons in their constitutional rights of equality before the law, without distinction of race or color, or previous condition of slavery or involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, and to the prompt discharge of the duties of this act, it shall be the duty of the circuit courts of the United States and the superior courts of the Territories of the United States, from time to time, to increase the number of commissioners, so as to afford a speedy and convenient means for the arrest and examination of persons charged with a violation of this act; and such commissioners are hereby authorized and required to exercise and discharge all the powers and duties conferred on them by this act, and the same duties with regard to offences created by this act, as they are authorized by law to exercise with regard to other offences against the laws of the United States.

SEC. 5. *And be it further enacted*, That it shall be the duty of all marshals and deputy marshals to obey and execute all warrants and precepts issued under the provisions of this act, when to them directed; and should any marshal or deputy marshal refuse to receive such warrant or other process when tendered, or to use all proper means diligently to execute the same, he shall, on conviction thereof, be fined in the sum of one thousand dollars, to the use of the person upon whom the accused is alleged to have committed the offence. And the better to enable the said commissioners to execute their duties faithfully and efficiently, in conformity with the Constitution of the United States and the requirements of this act, they are hereby authorized and empowered, within their counties respectively, to appoint, in writing, under their hands, any one or more suitable persons, from time to time, to execute all such warrants and other process as may be issued by them in the lawful performance of their respective

duties ; and the persons so appointed to execute any warrant or process as aforesaid shall have authority to summon and call to their aid the bystanders or posse comitatus of the proper county, or such portion of the land or naval forces of the United States, or of the militia, as may be necessary to the performance of the duty with which they are charged, and to insure a faithful observance of the clause of the Constitution which prohibits slavery, in conformity with the provisions of this act ; and said warrants shall run and be executed by said officers anywhere in the State or Territory within which they are issued.

SEC. 6. *And be it further enacted,* That any person who shall knowingly and wilfully obstruct, hinder, or prevent any officer, or other person charged with the execution of any warrant or process issued under the provisions of this act, or any person or persons lawfully assisting him or them, from arresting any person for whose apprehension such warrant or process may have been issued, or shall rescue or attempt to rescue such person from the custody of the officer, other person or persons, or those lawfully assisting as aforesaid, when so arrested pursuant to the authority herein given and declared, or shall aid, abet, or assist any person so arrested as aforesaid, directly or indirectly, to escape from the custody of the officer or other person legally authorized as aforesaid, or shall harbor or conceal any person for whose arrest a warrant or process shall have been issued as aforesaid, so as to prevent his discovery and arrest after notice or knowledge of the fact that a warrant has been issued for the apprehension of such person, shall, for either of said offences, be subject to a fine not exceeding one thousand dollars, and imprisonment not exceeding six months, by indictment and conviction before the district court of the United States for the district in which said offence may have been committed, or before the proper court of criminal jurisdiction, if committed within any one of the organized Territories of the United States.

SEC. 7. *And be it further enacted,* That the district attorneys, the marshals, their deputies, and the clerks of the said district and territorial courts shall be paid for their services the like fees as may be allowed to them for similar services in other cases ; and in all cases where the proceedings are before a commissioner, he shall be entitled to a fee of ten dollars in full for his services in each case, inclusive of all services incident to such arrest and examination. The person or persons authorized to execute the process to be issued by such commissioners for the arrest of offenders against the provisions of this act shall be entitled to a fee of five dollars for each person he or they may arrest and take before any such commissioner as aforesaid, with such other fees as may be deemed reasonable by such commissioner for such other additional services as may be necessarily performed by him or them, such as attending at the examination, keeping the prisoner in custody, and providing him with food and lodging during his detention, and until the final determination of such commissioner, and in general for performing such other duties as may be required in the premises ; such fees to be made up in conformity with the fees usually charged by the officers of the courts of justice within the proper district or county, as near as may be practicable, and paid out of the treasury of the United States on the certificate of the judge of the district within which the arrest is made, and to be recoverable from the defendant as part of the judgment in case of conviction.

SEC. 8. *And be it further enacted,* That whenever the President of the United States shall have reason to believe that offences have been or are likely to be committed against the provisions of this act within any judicial district, it shall be lawful for him, in his discretion, to direct the judge, marshal, and district attorney of such district to attend at such place within the district, and for such time as he may designate, for the purpose of the more speedy arrest and trial of persons charged with a violation of this act ; and it shall be the duty of

every judge or other officer, when any such requisition shall be received by him, to attend at the place and for the time therein designated.

SEC. 9. *And be it further enacted*, That it shall be lawful for the President of the United States, or such person as he may empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia, as shall be necessary to prevent the violation and enforce the due execution of this act.

SEC. 10. *And be it further enacted*, That upon all questions of law arising in any cause under the provisions of this act a final appeal may be taken to the Supreme Court of the United States.

SCHUYLER COLFAX,
Speaker of the House of Representatives.
LA FAYETTE S. FOSTER,
President of the Senate pro tempore.

IN THE SENATE OF THE UNITED STATES, *April 6, 1866.*

The President of the United States having returned to the Senate, in which it originated, the bill entitled "An act to protect all persons in the United States in their civil rights, and furnish the means of their vindication," with his objections thereto, the Senate proceeded, in pursuance of the Constitution, to reconsider the same; and

Resolved, That the said bill do pass, two-thirds of the Senate agreeing to pass the same.

Attest:

J. W. FORNEY,
Secretary of the Senate.

IN THE HOUSE OF REPRESENTATIVES OF THE UNITED STATES,
April 9, 1866.

The House of Representatives having proceeded, in pursuance of the Constitution, to reconsider the bill entitled "An act to protect all persons in the United States in their civil rights, and furnish the means of their vindication," returned to the Senate by the President of the United States, with his objections, and sent by the Senate to the House of Representatives, with the message of the President returning the bill:

Resolved, That the bill do pass, two-thirds of the House of Representatives agreeing to pass the same.

Attest:

EDWARD MCPHERSON, *Clerk*,
By CLINTON LLOYD, *Chief Clerk*.

By order of the Secretary of War:

E. D. TOWNSEND,
Assistant Adjutant General.

Official:

Assistant Adjutant General.

[General Orders No. 44.]

HEADQUARTERS OF THE ARMY, ADJ'T GENERAL'S OFFICE,
Washington, July 6, 1866.

Department, district, and post commanders in the States lately in rebellion are hereby directed to arrest all persons who have been or may hereafter be charged with the commission of crimes and offences against officers, agents,

izens, and inhabitants of the United States, irrespective of color, in cases where the civil authorities have failed, neglected, or are unable to arrest and bring such parties to trial, and to detain them in military confinement until such time as a proper judicial tribunal may be ready and willing to try them.

A strict and prompt enforcement of this order is required.

By command of Lieutenant General Grant :

E. D. TOWNSEND,

Assistant Adjutant General.

Official :

_____,
Assistant Adjutant General.

UNITED STATES *vs.* DR. JAMES L. WATSON.

Brevet Colonel G. B. Carse, captain Veteran Reserve Corps and assistant superintendent of the bureau in the seventh district of the department of the Potomac, under date of November 24, 1866, at Lexington, Virginia, made a report of which the following is an extract :

“BUREAU REFUGEES, FREEDMEN AND ABANDONED LANDS,
“SUB-DISTRICT NO. 8, SEVENTH DISTRICT VIRGINIA,
“ROCKBRIDGE, BATH, AND ALLEGHANY COUNTIES,
“*Headquarters, Lexington, Va., November 24, 1866.*

“CAPTAIN: I have the honor to report that Dr. James L. Watson, the man who shot William Medley, (freedman,) in the county of Rockbridge, on the evening of Wednesday, the 13th instant, causing the death of Medley on the day following, was tried before an ‘examining court’ convened at Lexington on the 22d instant.

“Dr. Watson was this day honorably acquitted by the ‘examining court’ of the charge pending against him, *i. e.*, of feloniously shooting one William Medley, a freedman, thereby causing his death. * * * *

“The first witness sworn in the case for the prosecution was a young man named Louis Loudon, who is a step-son of Mr. Echols, at whose house the shooting occurred. Mr. Loudon stated to the court that on Wednesday p. m. of last week Dr. Watson rode into the field where Medley and some two or three other freedmen were engaged in sowing wheat. Dr. Watson spoke to Mr. Loudon in his usual manner, and immediately dismounted from his horse and proceeded to where Medley was engaged in hitching a horse to a harrow, some fifteen steps from where Mr. Loudon was standing. Dr. Watson, immediately upon reaching Medley, began striking him with a stick, and at the same time asked Medley why he broke his carriage. Medley said he had not done so, and ran away from Watson, who called Medley to stop, which Medley did ; but seeing the Doctor approaching him, evidently intent upon assaulting him, Medley ran, when the Doctor drew a pistol and called upon Medley to stop, at the same time pulling the trigger of the pistol, causing the cap to explode, but not the pistol to discharge. Medley still continued to run, and had succeeded in getting some fifty yards from the Doctor when he fired the pistol, the ball from which entered the back of Medley. The colored men who were in the field at the time fully corroborated the testimony of Mr. Loudon.

“Mr. Echols was next sworn, who stated that Dr. Watson had called at his house and informed him that he (Watson) had an account to settle with a freedman named Medley. Mr. Echols, thinking it was a bill for professional services, remarked that he had money enough in his hands of Medley’s to satisfy any claim the doctor might have against him. The doctor then replied that it was not a pecuniary account, but stated that Medley had offered an insult to his family by attempting to pass them on their way to church the Sunday previous, while

driving Mr. Echols's carriage, containing a portion of Mr. Echols's family, to church, and that he (Medley) had endangered the life of Mrs. Watson and daughter, who were at the time in the Doctor's carriage, and that Medley's conduct was such that he would not submit to from any man, white or black. He (Dr. Watson) then asked Mr. Echols where Medley was, and upon being informed that he was in the field, Dr. Watson immediately started in the direction indicated as the whereabouts of Medley.

"Dr. Chandler, who attended Medley and examined the wound, was next called to the stand. He stated that the ball entered the body of Medley near the termination of the spine and two inches to the right thereof, passing through the abdomen, severing several coils of the intestines, thereby causing the death of Medley.

"Several witnesses were called for the defence, who swore to the fact of Dr. Watson being near-sighted, several of whom stated that they did not believe Dr. Watson capable of aiming a pistol with any degree of accuracy at any object a distance of twenty or thirty yards from him. Witnesses were also called to prove the condition of the road at the point where Medley attempted to pass the carriage of Dr. Watson. These witnesses stated that it was impracticable for two carriages in motion to pass at any point on the road near where the carriages collided.

"Several men of good standing in the county were also called to prove the good character of Dr. Watson, among whom were several colored men. All of these witnesses spoke of Dr. Watson in the highest terms, and as a man whose generosity and kindness towards white and black were excelled by no man in the county.

"After the argument on the part of the Commonwealth and on the part of the counsel for the defendant, the court, composed of five magistrates of the county, ordered the discharge of the prisoner.

* * * * *

"I am, captain, very respectfully, your obedient servant,

G. B. CARSE,

*Breret Colonel and Assistant Superintendent,
Sub-district No. 8, Seventh District Virginia.*

"Captain R. S. LACEY,

"Superintendent Seventh District, Virginia."

On December 1 the following order was issued :

HEADQUARTERS DEPARTMENT OF THE POTOMAC,

BUREAU REFUGEES, FREEDMEN AND ABANDONED LANDS.

Richmond, Virginia, December 1, 1866.

SIR: You will repair, without delay, to Lexington, Rockbridge county, Virginia, or to any other place within this department which may be necessary, arrest Dr. James L. Watson, of Rockbridge county, (charged with murder,) and bring him to these headquarters. You will take with you three or four enlisted men, properly armed, to aid you in making the arrest and in guarding the prisoner.

Very respectfully,

J. M. SCHOFIELD,

Major General Commanding, Assistant Commissioner.

Lieutenant WILLIAM A. CAMERON,

Fifth United States Artillery, Richmond, Virginia.

Under the above order, Dr. James L. Watson was arrested on the 4th December at his home in Rockbridge county, and was brought to Richmond on the 7th, and on the succeeding day gave the following bond and parole:

Know all men by these presents that we, B. Deshall Haman, Robert W.

and, Robert G. Scott, are held and firmly bound to the United States of America in the sum of twenty thousand dollars, lawful money of the United States, for which payment well and truly to be made we bind ourselves, and each of us, our and each of our heirs, executors, and administrators, for and in, whole jointly and severally, firmly by these presents. Whereas Dr. James Watson, of Rockbridge county, State of Virginia, has been arrested, and is now in the custody of the military authorities, by order of the major general commanding the department of the Potomac, and assistant commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands, charged with shooting and killing, with malice aforethought, one William Medley, (colored,) of the county and State aforesaid :

Now the condition of this obligation is such, that if the said Dr. James L. Watson shall not go beyond the limits of the city of Richmond, State of Virginia, without the consent of the aforesaid commanding general and assistant commissioner, or some other superior military authority, except for such length of time and to such places as the aforesaid commanding general and assistant commissioner shall permit, and shall appear before such court or military commission, at such time and place as the beforementioned commanding general and assistant commissioner shall designate and appoint, then this obligation shall be null and void, otherwise to remain in full force and virtue.

JAMES L. WATSON. [SEAL.]

Witnesses :

J. L. RATHBONE, *First Lieutenant and A. D. C.*

WILLIAM A. CAMERON, *Lieutenant Fifth U. S. Artillery.*

B. DESHALL HARMAN.

Witnesses :

J. L. RATHBONE, *First Lieutenant and A. D. C.*

WILLIAM A. CAMERON, *Lieutenant Fifth U. S. Artillery.*

ROBERT W. SNEAD.

Witnesses :

J. L. RATHBONE, *First Lieutenant and A. D. C.*

WILLIAM A. CAMERON, *Lieutenant Fifth U. S. Artillery.*

ROBERT G. SCOTT.

Witnesses :

J. L. RATHBONE, *First Lieutenant and A. D. C.*

WILLIAM A. CAMERON, *Lieutenant Fifth U. S. Artillery.*

Whereas I, Dr. James L. Watson, of Rockbridge county, State of Virginia, have been arrested by the orders of the commanding general of the department of the Potomac, and assistant commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands, on the charge of maliciously shooting and killing one William Medley, (colored,) of Rockbridge county, Virginia, upon being released from close custody, I do hereby give my solemn parole of honor that I will not go beyond the limits of the city of Richmond, Virginia, except by permission of the department commander; that I will report in person daily to said department commander, and that I will deliver myself up for trial on the aforementioned charge at such time and place as the commanding general of the department may direct.

JAMES L. WATSON.

Witness :

J. L. RATHBONE, *First Lieutenant and A. D. C.*

On the same day the following order was issued :

[Special Orders No. 182.]

BUREAU REFUGEES, FREEDMEN AND ABANDONED LANDS,
HEADQUARTERS ASS'T COM'R, DEP'T OF THE POTOMAC,
Richmond, Virginia, December 8, 1866.

III. Dr. James L. Watson, of Rockbridge county, State of Virginia, is granted permission under his parole, given this day, to visit his home in the said county and State, on condition that he shall report in person to the major general commanding department and assistant commissioner of the Bureau of Refugees, Freedmen and Abandoned Lands, at his headquarters at Richmond, Virginia, at 10 o'clock a. m. on the 19th instant.

By command of Brevet Major General J. M. Schofield, assistant commissioner.
O. BROWN,
Acting Assistant Adjutant General.

On the same day the following communication was addressed to the major general Commissioner :

BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS,
HEADQUARTERS ASS'T COM., DEP'T OF THE POTOMAC,
Richmond, Virginia, December 8, 1866.

GENERAL: I desire to give you the facts, so far as they are now known, of an important case now before me, and which may very likely be brought before the President. A freedman, named William Medley, was shot and killed by Dr. James L. Watson, a prominent citizen of Rockbridge county, Virginia, under circumstances detailed in the accompanying extract from the report of Brevet Colonel Carse, and which does not differ materially from the statement voluntarily made to me by Dr. Watson himself after his arrest. Upon finding that the wound he had inflicted upon the colored man was mortal, Dr. Watson surrendered himself to a magistrate, and was recognized in a nominal sum to appear before an examining court, which court, after hearing the case, discharged the prisoner. Two of the magistrates, as I was informed, were in favor of bringing the case before a jury, while three voted for the discharge. This seemed a fair type of the numerous cases reported by officers of the bureau in which the civil courts fail, in the opinion of those officers, to give substantial justice and protection to the freedmen. I therefore determined to bring the case before a military court, not so much on account of its individual merits, as for the purpose of testing in the best practical way the important general questions involved.

I have caused Dr. Watson to be arrested and brought to Richmond, and have taken his parole and bond, with ample security, to appear for trial on the 19th of this month. My purpose is to bring the case for trial before a military commission to be appointed under the act of Congress of July 16, 1866, and to consist of a full number of officers of rank.

I am, general, very respectfully, your obedient servant,

J. M. SCHOFIELD,

Brevet Major General U. S. A., Ass't Commissioner.

Major General O. O. HOWARD,

Commissioner Bureau Refugees, &c., Washington, D. C.

On the 12th of December the following order was issued :

[Special Orders No. 184.]

BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS,
HEADQUARTERS ASS'T COM., DEP'T POTOMAC,
Richmond, Virginia, December 12, 1866.

I. Captain Garrick Mallery, 43d United States infantry, inspector of the Bureau of Refugees, Freedmen and Abandoned Lands, department of the Potomac, will proceed without delay to the Natural Bridge, Rockbridge county, Virginia, for the purpose of summoning such witnesses as he may deem necessary in the case of the United States *vs.* Dr. James L. Watson.

This duty being completed, he will return to these headquarters.

By command of Brevet Major General J. M. Schofield, assistant commissioner.

O. BROWN,
Acting Assistant Adjutant General.

The papers in the case were at the same time referred to Captain Mallery, whose report is as follows :

DEPARTMENT OF THE POTOMAC, HEADQUARTERS
BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS,
Richmond, Virginia, December 26, 1866.

In obedience to your instructions I have the honor to make the following report upon the testimony of the witnesses examined by me in the case of Dr. J. L. Watson, of Rockbridge county, and the merits of the whole case as it appeared to me after investigation at the scene and in the neighborhood of the homicide.

Mr. Robert J. Echols stated as follows : I am near neighbor of Dr. Watson, residing about a mile from him. On Wednesday, November 14, about 3 p. m., Dr. Watson called on me at my house, and said that he had an account to settle with William Medley, a freedman in my employ. I, thinking that it was a bill for professional services, stated that I had money enough in my hands due to Medley to satisfy any claim the doctor might have against him. The latter replied that it was not a pecuniary matter, but that Medley had offered an insult to his family by attempting to pass them on their way to church, the Sunday previous, while driving my carriage containing a portion of my family, and had endangered the lives of Mrs. Watson and daughter, who were in the doctor's carriage, and also the lives of that portion of my family, consisting of my young daughter and step-daughter, in the charge of my seamstress, which was in my carriage, and that Medley's conduct was such that he would not submit to it from any man, white or black. He said, "I have come to give William a caning," having a stick a little thicker than my thumb. I replied, "William is the best boy I ever knew." The doctor concurred, saying, "Yes; he is one of the best boys I ever knew," but repeated his intention to cane him. I suggested that, as no harm had actually happened to the two families, and but a small damage to the doctor's carriage, it would be better to have the latter repaired at William's expense. But the doctor repeated much as before, and inquired the whereabouts of William. I told him he was in the field at work. He started in that direction. A short time after I heard the firing of a pistol, and in a few moments William came and fell down near my house. I went to him, and found him wounded. I ordered my horse saddled, to go for Dr. Chandler. I had the boy carried in a blanket to his quarters. Dr. Watson came and examined him, and gave him some stimulus, at first saying that it was only a flesh wound, but afterwards agreed with me that Dr. Chandler should be sent for, which was done. William lived about thirty hours after the shooting. I

was with him all the time until he died. He had been in my employ seventeen months. He was recommended to me by Dr. Watson when I came on the farm. He had been raised about there, and Dr. Watson knew him well, and told me by all means to get him, as he was the best boy he knew. Some time after that, Dr. Watson made it a personal favor for me to let William go to him, under some trouble for help in his family, but I declined, because I myself could not spare him. I considered him the best boy I ever knew in my life. He was married. His wife was in the field when he was shot, but not in a position to see the shooting. She came with him to my house after the shooting. He evidently came to me for protection.

Mr. Lewis P. Loudon, a step-son of Mr. Echols, states as follows: About 3½ p. m., on Wednesday, the 14th November, I was in the field adjoining Mr. Echols's house, when Dr. Watson rode by me, giving some indistinct salutation, without stopping, and went on directly to where William Medley was engaged in preparing to harrow. He was at the moment hitching his horse to the harrow, and was about fifteen or twenty paces distant from me. Dr. Watson immediately dismounted, and began to strike William on the head with his stick, at the same time asking him "why he broke his carriage." He struck William both before and after thus speaking. William said he had not done so, and jumped behind his horse to avoid the doctor, who followed him. William then began to run towards the centre of the field. The doctor called on him to stop. He seemed to halt for a moment; but on the doctor approaching him, evidently with the intention of again assaulting him, with the stick still in his hand, he ran again. The doctor then drew a pistol and called on William to stop, at the same time pulling the trigger. The cap snapped, but the pistol was not discharged. Medley was still running, and had got between fifty and sixty feet off, when the doctor fired the pistol, the ball from which entered Medley's back.

Philip Carter, a young colored man, stated: I was in the field on the afternoon in question; I was going along the path near the fence when the doctor rode by, and went past Mr. Loudon, and then crossed over to where William was, with the harrow. I was not near enough at first to hear if there was any talk, but I could see plainly; I was going in the same direction with the doctor, but slower than he went. He got off his horse beside William and began striking him on the head. I did then hear him ask William why he had broken his carriage, and William answered that he had not. The doctor had struck him before I heard this. William ran behind the horse with which he was going to harrow, and the doctor followed. William then ran off into the field, and I heard the doctor shout to him to stop. He snapped a pistol, and William seemed to slacken up a minute, and then ran on. The doctor fired the pistol then. William ran toward the farm buildings near where his wife was, and then went toward Mr. Echols's house.

David Carter, colored, was not in a position, from a rise in the ground where he was at work, to see Dr. Watson approach, or to observe the first part of the assault, but saw the last part, the firing of the pistol, and that William, at the shot, clapped his hand on the part wounded. He corroborated the two last-named witnesses.

Dr. Samuel T. Chandler testified to being called to attend to the deceased, described his wound, and that he died in about thirty hours from the effects of it.

These are the witnesses in chief for the prosecution whom I summoned. They all say that they gave the same evidence before the examining court, and it is to be remarked that Dr. Watson, who has, though under caution from myself, as well as others also, on the subject of the whole affair, and stated that

pride in being perfectly candid regarding it, gives the above as his own, with the single and unimportant exception that he asked the question, "did you break my carriage," before he struck any blow, and did not strike by a blow, then asking the question. He clearly stated that the evidence, all of which he had heard at the examining court, was correct, with that trivial exception.

Immediately after the shooting Dr. Watson went to a neighboring justice of the peace in ridge county, and surrendered himself. The coroner's inquest found that *William Medley came to his death by a pistol-shot fired by J. L. Watson*; upon the magistrate who acted as coroner required Dr. Watson to enter recognizance in the sum of \$1,000, to appear at a "called court," or ex-commune court, to be convened at Lexington, on Thursday the 22d November. The court was composed of William White, Henry M. Hatcher, James G. Upshaw, Samuel Cowan, and John W. Mackey, "gentlemen justices," Henry M. Hatcher being chosen to preside. The court was occupied in the case until the 27th of the same month, Dr. Watson being charged before it with "*feloniously and lawfully killing William Medley*," and on the last named day the following order was made: "On consideration, the court is of the opinion that the said James L. Watson be not further tried for the said offence, and he is ordered to be discharged from custody."

The evidence for the defence before the examining court, and also that proposed to be offered by Dr. Watson before the military commission, to sustain his defence, I summoned the witnesses designated by him, was confined to the following:

1st. General good character.

2nd. Provocation, by the statement of particulars of the carriage collision;

3rd. His nearness of vision, which was said to prevent his taking accurate bearings of the distance at which the shot was fired.

4th. The good moral character of Dr. Watson in the community seems to have been well established. There was the evidence of colored as well as white witnesses to that point.

5th. I went with Dr. Watson, at his request, over the ground at which the collision occurred, and heard his full explanation of it; also examined witnesses on the subject. While in some doubt how far evidence on that point would be admitted by any intelligent court as defence on a charge of murder, yet it might be considered with reference to motive, and under my instructions to be liberal in allowing the accused the benefit of all testimony which could possibly be given in his case favorably, I summoned all the witnesses he desired. I give the substance of this matter of defence as it was presented to the examining court, and as it was developed by my investigation.

On Sunday, the 11th November, the wife and daughter of Dr. Watson proceeded to church, driven by a colored boy named Oler Cole, the carriage being drawn by mules. They were followed by the carriage of Mr. Echols, driven by the same team to the same destination by the deceased, William Medley, and containing the daughter and step-daughter of Mr. Echols, under the charge of his seamstress, Miss Nancy Jane Childres. This carriage was drawn by horses, being a faster team than that of Dr. Watson's ahead of it. For a considerable distance the road is such that no vehicle can pass another travelling in the same direction. At a point in the road near the house of Mr. Adam Hickman Miss Childres suggested to the driver of Mr. Echols's carriage, the deceased William Medley, that he could probably pass the slower team there, and he turned to the right to do so. At that precise point where the turn was made, it seems to me, with the co-operation of the slower team in front, Mr. Echols's carriage and team have passed in safety. Miss Childres states that the ladies in Dr. Watson's carriage called to their driver not to let the other carriage pass, and that

thereupon the driver of the front carriage also turned slightly to the left. This is denied by Mrs. and Miss Watson. The result, however, was, that in a bad and narrow part of the road, somewhat beyond where the first attempt to turn out was made, the carriages came into collision, and the wheels were for a short time locked. The hub of Mr. Echols's carriage broke one of the spokes of Dr. Watson's. This was not with great violence, for the spoke was only pushed out of place and snapped, the two pieces still remaining attached to the hub and felloe when I saw the carriage a month afterward, and the adjacent spokes being apparently not touched. The carriages were soon separated, and that of Mr. Echols resumed its place in the rear until a more favorable place in the road allowed it to pass. Dr. Watson was absent from home at the time this occurred, and did not know of it until the succeeding night. He heard that Mr. Echols was absent on Wednesday morning, and not wishing to chastise one of his men in his absence, waited until the afternoon. He asserts that it was not only his right to beat the freedman Medley for what he considered a wanton and malicious insult and injury, but that he was bound in honor to do so. This is his defence, or rather exculpation. The cost of repairing his broken spoke would be about fifty cents.

Third. I must explain that I summoned the witnesses called for by Dr. Watson to prove his nearness of vision only in deference to your orders to be exceptionally liberal in giving him full benefit in that respect. I remonstrated with him against involving the government in that expense, because it would be obvious that myopia would be no defence before an intelligent court, however it might avail with ignorant justices or juries, explaining that he himself, or any one acquainted with optics, could well understand that a myope, though defective in distinguishing the features of a man at the distance at which the shot was fired, or in aiming at any particular button of his clothes, could perfectly well see and aim at the object. I was aware that persons fully as near-sighted as himself were good line shots without the aid of glasses, but, though unable to controvert me, he insisted upon the witnesses being summoned, which I finally concluded to do, for the reason above given, and also because the same evidence having been given at the examining court, it might be well to have it within the reach of the commission.

This explanation is made in justice to myself, as it seems futile to introduce evidence of defence on such a ground, especially when the object actually was hit with fatal accuracy.

I summoned twelve witnesses on these points, namely: character; the collision, including the condition of the road; and nearness of vision. While I distinctly stated to Dr. Watson that I did not desire him to enter into his line of defence to me, it was my duty not to put the government to expense in summoning wholly immaterial witnesses, or too many on the same point, for which reasons alone I inquired the general point proposed to be proven by each; neither did I converse with the witnesses for the defence, except in Dr. Watson's presence. My knowledge of their proposed testimony is derived from that given on the defence in the trial before the examining court, and from my general investigation of the subject. But I am confident that if all the evidence offered by the accused had been admitted by the commission, and all proved that he expected, the defence would have amounted to no more than I have stated.

Respectfully,

GARRICK MALLERY,

Captain 43d United States Infantry, Inspector.

Brevet Brigadier General O. BROWN,

Acting Assistant Adjutant General.

List of witnesses summoned.

For the United States.—Lewis P. Loudon, Philip Carter, (colored,) Samuel Chandler, Robert J. Echols, and David Carter, (colored.)

For the defence.—Adam Hickman, Oler Cole, (colored,) Edward Peck, John Greenlee, Sarah A. E. Watson, Fanny R. Watson, William S. Moffett, Ian P. Grigsby, David E. Moore, Samuel Williams, James Carter, (colored,) William Jordan.

Samuel T. Chandler and Robert J. Echols were also summoned on the part of the defence, as well as for the United States.

GARRICK MALLERY,
Captain United States Infantry, Inspector.

On the 14th December the following petition was presented to Major General Schofield :

Major General Schofield, commanding district of Richmond, and assistant commissioner of the Freedmen's Bureau.

The petition of ——— Watson, doctor of medicine, of the county of Rock-ge, in the State of Virginia, respectfully sheweth that, on the — day of ——— this year, he was arrested (upon his voluntary surrender) upon the charge of unlawfully killing one ———, a freedman, and committed for examination before an examining court in his county ; that on the — day of ——— he was regularly examined by the said court and acquitted, and discharged from the prosecution, as will appear by the record of the said court, a copy of which is herewith exhibited.

That the said court was a regularly constituted court, having jurisdiction, by the laws of Virginia, to hear and examine such cases, and to acquit and discharge the prisoner, or to send him on for further trial ; and its judgment of acquittal is final, so that the accused cannot "thereafter be questioned or tried for the same offence."—(See the Code of Virginia, chap. 205, p. 765, sec. 2.)

That on the — day of this month he was arrested for the same offence by an officer and detachment of men of the army of the United States, said to be acting under orders from you, and brought a prisoner to Richmond, for the purpose of being again tried for the same offence by a court-martial or military commission, as he has been informed.

Upon these facts your petitioner asks that you will order his immediate discharge from custody, for the following reasons, to wit :

First. By the termination of the war, and the proclamation of the President of the United States, peace prevails in Virginia, and martial law has ceased to exist, (2 Blackstone's Comm., 413, 414 ; 2 H. R. Repts., 98 ; 17 Repts., 493 ; Ham's Const. History, 323, 330, 331,) and the execution of any man, under such circumstances, by a military tribunal is, by the authorities aforesaid, illegal.

Second. By the Constitution of the United States, art. 3, sec. 2, par. 3, it is declared that "the trial of all crimes, except in the cases of impeachment, shall be by jury."

Third. By the Constitution, art. 1, sec. 8, par. 10, the power of Congress over crimes, except treason, is to "define and punish piracies and felonies committed on the high seas, and offences against the law of nations," and therefore it and the courts have no jurisdiction to try felonies committed on the land.

Fourth. By the fifth article of the amendments to the Constitution, it is declared that "no person shall be held to answer for a capital or otherwise infamous offence, unless on presentment or indictment of a grand jury, except in cases arising in the land and naval forces, or in the militia when in actual service in time of war or public danger, nor shall any person be subject, for the same offence, to be twice put in jeopardy of life or limb."

Fifth. By the sixth article of the amendments to the Constitution it is declared that "in all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed."

Sixth. That the consequence of these principles and constitutional provisions is, that the courts of the United States cannot try a felony committed on the land in time of peace, and therefore no military court can, unless the offender be in the land or naval forces, or in the militia in actual service; and such trials can take place only in State courts, and by a jury.—(See *Milligan's case* in the Supreme Court of the United States.)

Seventh. That the Freedmen's Bureau bill and the civil rights bill do not, nor does either of them, change the rights of the accused or the power of the government in criminal cases: first, because Congress had no power to change them, having no right to alter or violate the Constitution; secondly, because they do not profess to effect such change, but relate entirely to civil proceedings and rights of living freedmen, or criminal cases in which live freedmen have been denied justice and a fair trial, and do not profess to govern the trial of white men for the benefit of dead freedmen; thirdly, because, at the most, the jurisdiction conferred by one or both of them is concurrent, and not exclusive, and the settled rule in such cases in the courts of the United States is, that the court first taking jurisdiction shall hold it to the conclusion of the case.

Eighth. Because the authority of the State court which acquitted your petitioner was as complete as that of any court can be, and if it may be reviewed by a military commission, so may the decision of any other court, in this State or any other State, and "chaos has come again," and the State governments are overthrown, for there can be no civil government without a judiciary.

Your petitioner therefore asks that he may be forthwith discharged.

—— WATSON,
By his counsel, JAMES LYONS,
OULD & CARRINGTON.

This was responded to as follows:

HEADQUARTERS DEPARTMENT OF THE POTOMAC,
BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS,
Richmond, Virginia, December 14, 1866.

GENTLEMEN: After fully considering your petition for the discharge of Dr. Watson, and maturely weighing the able arguments presented in support of that petition, I feel compelled to decline granting your request.

A military commission will be appointed to meet in the city of Richmond, at 10 o'clock a. m. on Wednesday, the 19th instant, for the trial of Dr. Watson.

All questions of law, as well as of facts, involved in the case may be presented for the consideration of that commission.

I am, gentlemen, very respectfully, your obedient servant,

J. M. SCHOFIELD,

Brevet Major General U. S. A., Assistant Commissioner.

Messrs. LYON, AUGUST, and others,

Counsel for Dr. James L. Watson, Richmond, Virginia.

On the same day the following order was issued:

[Special Orders No. 126.—Extract.]

HEADQUARTERS DEPARTMENT OF THE POTOMAC,
BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS,
Richmond, Virginia, December 14, 1866.

II. Under authority of the act of Congress of July 16, 1866, a military commission is hereby appointed, to meet in the city of Richmond, Virginia, at

1 o'clock a. m. on the 19th of December instant, or as soon thereafter as practicable, for the trial of Dr. James L. Watson, and such other prisoners as may properly be brought before it.

Detail of the commission.

Brevet Brigadier General R. S. Granger, lieutenant colonel eleventh United States infantry.

Brevet Brigadier General Thomas H. Neill, major twentieth United States infantry.

Colonel O. B. Wilcox, twenty-ninth United States infantry.

Brevet Lieutenant Colonel F. M. Cooley, captain eleventh United States infantry.

Brevet Lieutenant Colonel George H. Higbee, captain eleventh United States infantry.

Brevet Major Thomas S. Dunn, captain twenty-first United States infantry.

Brevet Major W. G. Edgerton, captain twenty-ninth United States infantry.

Brevet Major H. R. Putnam, captain twenty-first United States infantry.

Brevet Major J. M. Goodhue, captain eleventh United States infantry.

Brevet Captain Richard Robins, first lieutenant eleventh United States infantry.

Brevet Captain E. S. Huntington, first lieutenant twenty-ninth United States infantry.

First Lieutenant E. B. Knox, twenty-first United States infantry.

First Lieutenant W. N. Sage, twenty-ninth United States infantry.

Brevet Major C. R. Layton, captain eleventh United States infantry, acting judge advocate department of the Potomac, judge advocate.

By command of Brigadier and Brevet Major General J. M. Schofield, United States army, assistant commissioner :

O. BROWN,

Acting Assistant Adjutant General.

On the 19th of December the commission appointed by the above order met and adjourned to await the attendance of witnesses. Immediately after the adjournment the following writ of *habeas corpus* was served upon Major General Schofield :

THE COMMONWEALTH OF VIRGINIA :

To Major General J. M. Schofield, of the United States army, commanding at Richmond, and assistant commissioner of the Freedmen's Bureau, greeting :

We command you that the body of James L. Watson, detained by you, and under your custody, as it is said, together with the day and cause of his being taken and detained, by whatsoever name he may be called, you have before the judge of our circuit court of the city of Richmond, at the State capitol in the said city, on to-day, at 2 o'clock p. m., to do, to submit to, and receive all and singular those things which shall then and there be considered of him in this behalf, and have then there this writ. Witness Benjamin Pollard, clerk of our said court at Richmond, the 19th day of December, 1866, and in the 91st year of the Commonwealth.

BENJ. POLLARD.

A copy teste :

GEO. L. CHRISTIAN,
Deputy Clerk.

To this General Schofield on the same day made the following reply :

HEADQUARTERS DEPARTMENT OF THE POTOMAC,
BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS,
Richmond, Va., December 19, 1866.

To the honorable Circuit Court of the city of Richmond, in session, Va.:

I have the honor to acknowledge the receipt, through the hands of James Lyon, esq., of the writ of your honorable court, dated at the city of Richmond this 19th of December, 1866, commanding me to have the body of James L. Watson, now under my custody, before the judge of your honorable court to-day at 2 o'clock p. m., together with the cause of his being taken and detained. To which I have the honor to respectfully answer as follows, to wit :

James L. Watson was arrested by my order on the 4th day of December instant, and is now held for trial by military commission, under authority of the act of Congress of July 16, 1866, which act directs and requires the President, through the Commissioner and officers of the Freedmen's Bureau, to exercise military jurisdiction over all cases and questions concerning the free enjoyment of the right to have full and equal benefit of all laws and proceedings concerning personal liberty, personal security, &c., by all citizens, without respect to race or color, or previous condition of slavery of the States whose constitutional relations to the government of the United States have been discontinued by the rebellion, and have not been restored.

The above-named act of Congress has been officially published to the army by the President through the War Department, for the information and government of all concerned.

As an officer of the United States army, commanding the military department which includes the State of Virginia, and assistant commissioner of the Freedmen's Bureau for the same department, my duty requires me to decline compliance with the writ of your honorable court, and I do therefore respectfully decline to produce the body of the said James L. Watson.

I have the honor to be, very respectfully, your obedient servant,

J. M. SCHOFIELD,
Assistant Commissioner.

On the same day also the following communication was sent to the major general Commissioner :

HEADQUARTERS DEPARTMENT OF THE POTOMAC,
BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS,
Richmond, Va., December 19, 1866.

GENERAL : I have further to report in regard to the Watson case. On the 14th instant a petition for his discharge from military custody was presented by his counsel and ably argued during the morning hours of two consecutive days. I declined to grant the petition, and ordered a military commission to try the case.

Wishing to leave the commission free to judge the questions of law as well as of fact involved in the case, I did not publish my reasons for refusing the petition of Dr. Watson's counsel, but simply made a memorandum of those reasons for the information and instruction of the judge advocate of the commission. I send you a copy of that memorandum, together with the petition and my answer.

The commission met this morning, but adjourned until to-morrow to admit the arrival of witnesses.

Immediately after the adjournment Dr. Watson's counsel presented to me a writ of *habeas corpus* from the circuit court of Richmond, which I have re-

ered, declining to comply. I send you a copy of the writ, together with my answer.

What further steps will be taken by Dr. Watson's counsel I am not advised, but will inform you of important facts as they transpire.

Very respectfully, your obedient servant,

J. M. SCHOFIELD,

Brevet Major General U. S. A., Assistant Commissioner.

Major General O. O. HOWARD,

Commissioner, &c., Washington, D. C.



MEMORANDA.

Dr. Watson was arrested and is held for trial under section 14 of the act of Congress of July 16, 1866, which gives to the President, through the commissioner and officers of the bureau, "military jurisdiction over all cases and questions concerning the free enjoyment" of the rights to have "full and equal benefit of all laws and proceedings concerning personal liberty, personal security," &c., by all citizens, without respect to race or color, or previous condition of slavery, of the States whose constitutional relations to the government have been suspended.

The allegation against Dr. Watson is that of felonious homicide, committed upon one ———, a freedman of Rockbridge county. It is further alleged that the examining court of that county, in spite of sufficient evidence to require the case to be brought before a jury according to law, refused to remand the prisoner for trial, and discharged him from custody, thus justifying the killing of a negro by a white man for reasons which would not be held to justify the killing of a white man by a negro, or one white man by another. If this allegation is well founded the action of the examining court, if final and without remedy, endangers the personal security of all people of color living within the jurisdiction of that court. Therefore the case of Dr. Watson belongs to one of the classes of cases over which the act of July 16 gives military jurisdiction.

It may be further said that the case in question belongs to the most important of those classes; for if the freedmen of Virginia are in danger of injustice, it is not so much on account of any inequality in the laws, nor yet from undue severity of the courts, but from individual violence and wrong. And it is not the end of criminal trial and punishment to do justice to the victim who has been slain, as the counsel would seem to insist, but to protect society. It is all the freedmen of Rockbridge county, if not all of the State of Virginia, whose rights are alleged to have been denied by the examining court in the case of Dr. Watson.

It is urged by the counsel that the discharge of Dr. Watson by the examining court is final, and a bar to further trial. This is true, so far as the courts of Virginia are concerned; but the law which makes such discharge final is a special and exceptional statute of Virginia, which is not binding upon a military court of the United States.

The prisoner was not tried and acquitted by a jury, but simply examined and discharged by a court having no authority to try and convict, and hence none to acquit, within the meaning of the Constitution of the United States or the general law.

The argument of counsel against the constitutionality of the act of July 16, 1866, is based upon the simple denial of the ground assumed by Congress in passing the act.

By the rebellion and attempted secession of certain States, their constitutional relations to the government of the United States were destroyed, or suspended, and a state of war followed. This state of war was recognized and declared by Congress in accordance with the provision of the Constitution. The mili-

tary power of the rebellious States having been destroyed, the President proceeded to organize new State governments, which, having been accomplished, he declared the war at an end, and the civil law fully restored. Congress (on the other hand, assuming that peace could not be made without the consent of the Senate, at least, and that it devolved upon Congress instead of the President to fix the time when and conditions upon which the rebellious States should be restored to the exercise of the rights and privileges under the Constitution which they had discarded and forfeited) has declared that martial law still exists in those States, and has given military jurisdiction therein to certain military officers over a large class of cases.

The law giving this jurisdiction—that of July 16, 1866—has been officially published to the army by the President, through the War Department, “for the information and government of all concerned.” This official publication of the law “for the government of all concerned,” must be construed as waiving, by the Executive, any objections he may have had to the passage of the law on the ground of unconstitutionality, and makes it binding upon his military subordinates.

Nor does the fact that the special regulations (which seem to have been contemplated by Congress for the exercise of the military jurisdiction conferred by the law) have not been published make the law itself any less operative or binding upon the army. Martial law has been continuously in force over a large portion of the country during the past five years. The rules governing military courts have been long established and are well known; hence it was only necessary to publish the law, leaving it to be carried out under the rules already long established.

On the 22d December the following order was received from the Adjutant General's office, War Department:

WAR DEPARTMENT, ADJUTANT GENERAL'S OFFICE,
Washington, December 21, 1866.

GENERAL: The case of James L. Watson, on trial by a military commission under your orders, and in respect to whom a writ of *habeas corpus* was applied for, has been submitted to the Attorney General, who reports to the President his opinion that the military commission ordered by you has not competent jurisdiction for the trial of Mr. Watson.

The President, therefore, directs that the commission be dissolved, and James L. Watson discharged from military custody without delay, and that you report your action to this department.

By order of the Secretary of War:

E. D. TOWNSEND,
Acting Assistant Adjutant General.

Brevet Major General J. M. SCHOFIELD,
Commanding Department of the Potomac, Richmond, Va.

The commission had adjourned to the 22d without proceeding to the arraignment of the accused, at the request of the latter and his counsel. The commission was dissolved and the prisoner discharged by the following order:

[Special Order's No. 190.]

• BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS,
HEADQUARTERS ASS'T COM'R, DEP'T OF THE POTOMAC,
Richmond, Virginia, December 22, 1866.

I. By direction of the President of the United States the military commission appointed by Special Order No. 186, paragraph 2, from these headquarters is hereby dissolved.

. Dr. James L. Watson, citizen of Rockbridge county, Virginia, is, by direction of the President of the United States, discharged from the obligations of parole and bond, given on the 8th day of December instant, and is released from further custody.

By command of Brevet Major General J. M. Schofield, assistant commissioner :

O. BROWN,
Acting Assistant Adjutant General.

On the same day the following communication was sent to General E. D. Townsend, assistant adjutant general :

HEADQUARTERS DEPARTMENT OF THE POTOMAC,
BUREAU REFUGEES, FREEDMEN AND ABANDONED LANDS,
Richmond, Virginia, December 22, 1866.

GENERAL: I have the honor to acknowledge the receipt of your communication of the 21st instant, conveying the order of the Secretary of War, by direction of the President, that the military commission appointed by me for the trial of James L. Watson be dissolved, and that James L. Watson be discharged from military custody.

I have accordingly dissolved the commission and discharged Mr. Watson.

I am, general, very respectfully, your obedient servant,

J. M. SCHOFIELD,

Brevet Major General U. S. A., Assistant Commissioner.

Gen. E. D. TOWNSEND,

War Department, Washington, D. C.

The record of the military commission, appointed and dissolved as above, is hereto appended; also a copy of charge and specifications which had been served upon the accused, and of the pleas which his counsel had sent to the judge advocate.

Proceedings of a military commission which convened at Richmond, Virginia, by virtue of the following special order.

[Special Order No. 186.—Extract.]

HEADQUARTERS DEPARTMENT OF THE POTOMAC,
BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS,
Richmond, Virginia, December 14, 1866.

. Under authority of the act of Congress of July 16, 1866, a military commission is hereby appointed to meet in the city of Richmond, Virginia, at 10 o'clock a. m. on the 19th of December, instant, or as soon thereafter as practicable, for the trial of Dr. James L. Watson, and such other prisoners as may be lawfully brought before it.

Detail for the commission.

Brevet Brigadier General R. S. Granger, lieutenant colonel eleventh United States infantry.

Brevet Brigadier General Thomas H. Neill, major twentieth United States infantry.

Colonel O. B. Wilcox, twenty-ninth United States infantry.

Brevet Lieutenant Colonel F. M. Cooley, captain eleventh United States infantry.

Brevet Lieutenant Colonel George H. Higbee, captain eleventh United States infantry.

Brevet Major Thomas S. Dunn, captain twenty-first United States infantry.

Brevet Major W. G. Edgerton, captain twenty-ninth United States infantry.
 Brevet Major H. R. Putnam, captain twenty-first United States infantry.
 Brevet Major J. M. Goodhue, captain eleventh United States infantry.
 Brevet Captain Richard Robins, first lieutenant eleventh United States infantry.
 Brevet Captain E. S. Huntington, first lieutenant twenty-ninth United States infantry.

First Lieutenant E. B. Knox, twenty-first United States infantry.

First Lieutenant W. N. Sage, twenty-ninth United States infantry.

Brevet Major C. R. Layton, captain eleventh United States infantry, acting judge advocate department of the Potomac, judge advocate.

By command of Brevet Major General J. M. Schofield, assistant commissioner:

O. BROWN,

Acting Assistant Adjutant General.

FIRST DAY.

COURT-ROOM OF UNITED STATES COURT,
Richmond, Virginia, December 19, 1866—10 a. m.

The commission met pursuant to the foregoing special order.

Present: Brevet Brigadier General R. S. Granger, lieutenant colonel eleventh United States infantry; Brevet Brigadier General Thomas H. Neill, major twentieth United States infantry; Colonel O. B. Wilcox, twenty-ninth United States infantry; Brevet Lieutenant Colonel F. M. Cooley, captain eleventh United States infantry; Brevet Lieutenant Colonel George H. Higbee, captain eleventh United States infantry; Brevet Lieutenant Colonel Thomas S. Dunn, captain twenty-first United States infantry—styled in the order convening the commission brevet major; Brevet Major J. M. Goodhue, captain eleventh United States infantry; Brevet Major W. G. Edgerton, captain twenty-ninth United States infantry; Brevet Captain E. S. Huntington, first lieutenant twenty-ninth United States infantry; Brevet Captain Richard Robins, first lieutenant eleventh United States infantry; First Lieutenant E. B. Knox, twenty-first United States infantry; First Lieutenant W. N. Sage, twenty-ninth United States infantry; Brevet Major C. R. Layton, captain eleventh United States infantry, acting judge advocate department of the Potomac, judge advocate.

Absent, Brevet Major H. R. Putnam, captain twenty-first United States infantry. Cause of absence not known.

The members present took their seats according to brevet rank and in the order above named.

The judge advocate stated that he was not prepared to present to-day any business for the consideration of the commission. Whereupon the commission adjourned until to-morrow morning, the 20th instant, at half past ten o'clock.

C. RODNEY LAYTON,

*Captain 11th U. S. Inf., Brevet Major U. S. A., Acting Judge Advocate
 Department of the Potomac, Judge Advocate.*

SECOND DAY.

COURT-ROOM OF UNITED STATES COURT,
Richmond, Va. December 20, 1866—10.30 a. m.

The commission met pursuant to adjournment.

Present: Brevet Brigadier General R. S. Granger, lieutenant colonel eleventh United States infantry; Brevet Brigadier General Thomas H. Neill, major twentieth United States infantry; Colonel O. B. Wilcox, twenty-ninth United States

infantry; Brevet Lieutenant Colonel F. M. Cooley, captain eleventh United States infantry; Brevet Lieutenant Colonel George H. Higbee, captain eleventh United States infantry; Brevet Lieutenant Colonel Thomas S. Dunn, captain twenty-first United States infantry—styled in the order convening the commission brevet major; Brevet Major J. M. Goodhue, captain eleventh United States infantry; Brevet Major W. G. Edgerton, captain twenty-ninth United States infantry; Brevet Captain E. S. Huntington, first lieutenant twenty-ninth United States infantry; Brevet Captain Richard Robins, first lieutenant eleventh United States infantry; First Lieutenant E. B. Knox, twenty-first United States infantry; First Lieutenant W. N. Sage, twenty-ninth United States infantry; Brevet Major C. R. Layton, captain eleventh United States infantry, acting judge advocate department of the Potomac, judge advocate.

Absent, Brevet Major H. R. Putnam, captain twenty-first United States infantry. Cause of absence not known.

Mr. T. F. Williams, a reporter appointed by the judge advocate to record the proceedings of and testimony to be taken before the commission, appeared in court and was duly sworn to the faithful performance of his duty.

The prosecution being ready to proceed with the case against Dr. James L. Watson, then in court, for whose trial the commission had been convened, the prisoner presented a written application to the commission, of which the following is a copy, the original paper, marked A, being appended to these proceedings:

UNITED STATES)
vs.
 JAMES L. WATSON.)

The prisoner asks a continuance of this case until Saturday next, to enable him to prepare for his defence, which he has not had time to do since the copy of the charges was served upon him last night. This application is made without waiver of objection hereafter to the jurisdiction of this court.

JAS. L. WATSON.

The commission was cleared for deliberation upon the application of the accused. The commission being again opened, it was announced by the judge advocate that the application of the prisoner had been granted. There being then no further business for the consideration of the commission, the commission adjourned (11.30 a. m.) until Saturday morning, the 22d instant, at half past ten o'clock.

C. RODNEY LAYTON,

Captain 11th U. S. Inf., Brevet Major U. S. A.,

Acting Judge Advocate Department of the Potomac, Judge Advocate.

THIRD DAY.

COURT-ROOM OF THE UNITED STATES COURT,

Richmond, Virginia, December 22, 1866—10.30 a. m.

The commission met pursuant to adjournment.

Present: Brevet Brigadier General R. S. Granger, lieutenant colonel eleventh United States infantry; Brevet Brigadier General Thos. H. Neill, major twentieth United States infantry; Colonel O. B. Wilcox, twenty ninth United States infantry; Brevet Lieutenant Colonel F. M. Cooley, captain eleventh United States infantry; Brevet Lieutenant Colonel Geo. H. Higbee, captain eleventh United States infantry; Brevet Lieutenant Colonel Thomas S. Dunn, captain twenty-first United States infantry; Brevet Major J. M. Goodhue, captain eleventh United States infantry; Brevet Major H. R. Putnam, captain

twenty-first United States infantry; Brevet Major W. G. Edgerton, captain twenty-ninth United States infantry; Brevet Captain E. S. Huntington, first lieutenant twenty-ninth United States infantry; Brevet Captain Richard Robins, first lieutenant eleventh United States infantry; First Lieutenant E. B. Knox, twenty-first United States infantry; First Lieutenant W. N. Sage, twenty-ninth United States infantry; Brevet Major C. R. Layton, captain eleventh United States infantry, acting judge advocate department of the Potomac, judge advocate.

After the roll had been called the commission was closed for deliberation.

When it had been again opened, the proceedings of the last meeting were read and approved.

The judge advocate then presented and read the special order, of which the following is a copy, the original order, marked B, being appended to these proceedings:

[Special Orders No. 190.—Extract.]

BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS,
HEADQUARTERS ASSISTANT COMMISSIONER, DEPARTMENT POTOMAC,
Richmond, Virginia, December 22, 1866.

I. By direction of the President of the United States the military commission appointed by Special Order No. 186, Par. 1, U. S., from these headquarters, is hereby dissolved.

By command of Brevet Major General J. M. Schofield, assistant commissioner.

O. BROWN,

Acting Assistant Adjutant General.

The commission then, on motion, took a recess for half an hour, to enable the judge advocate to record the proceedings of to-day's session.

At the expiration of the recess the commission reassembled, when the proceedings were read and approved.

The commission then, on motion, and in accordance with the above order, adjourned *sine die*.

C. RODNEY LAYTON,
Captain 11th U. S. Inf., Brevet Major U. S. A.,
Acting Judge Advocate Department of the Potomac, Judge Advocate.
R. S. GRANGER,
Brevet Brig. Gen. and Lieut. Col. United States Infantry.

Charge and specifications preferred against Dr. James L. Watson, citizen.

CHARGE—murder.

Specification 1. In this: that he, Dr. James L. Watson, heretofore, to wit, on the fourteenth day of November, in the year of our Lord one thousand eight hundred and sixty-six, at Rockbridge county, in the State of Virginia, in which said State the ordinary course of judicial proceedings had been interrupted by the rebellion, and before the same has been fully restored, and whose constitutional relations to the government had been practically discontinued by the rebellion, and before said State has been restored in such relations, and has been duly represented in the Congress of the United States, did, then and there, feloniously, wilfully, and of his malice aforethought, discharge a loaded pistol, then held in the right hand of him, the said Dr. James L. Watson, the same being loaded with gunpowder and a leaden ball, against and upon the person of William Medley, a freedman, then residing in said Rockbridge county, and State of Virginia, and did then and there inflict upon him, the said William Medley, a mortal wound, whereof afterwards, to wit, on the fifteenth day of November, in the year aforesaid, at the county and in the State afore-

l, the said William Medley died, and thereby and there the said Dr. James L. Watson did, unlawfully and of malice aforethought, him, the said William Medley, and murder.

Specification 2. In this: that heretofore, to wit, on the fourteenth day of November, in the year of our Lord one thousand eight hundred and sixty-six, Rockbridge county, in the State of Virginia, a State where the ordinary course of judicial proceedings had been interrupted by the rebellion, and before same has been fully restored, and whose constitutional relations to the government had been practically discontinued by the rebellion, and before the said State has been restored in such relations, and duly represented in the Congress of the United States, and where military protection and military jurisdiction was and is extended, and was and is still in force in said State, over all cases and questions concerning the free enjoyment of the immunities and rights secured to all the citizens of said State, so then in rebellion, by an act of Congress in such case made and provided, dated July 16, 1866, Dr. James L. Watson, citizen, on the said fourteenth day of November, eighteen hundred and sixty-six, in the county aforesaid, in and upon the body of one William Medley, man of color, in the peace of the State of Virginia, a State so then in rebellion aforesaid, and not yet restored in its constitutional relations to the government, then and there being, feloniously, wilfully, and of his malice aforethought, did make an assault, and the said Dr. James L. Watson, with a certain pistol then and there charged with gunpowder and a leaden bullet, which said pistol the said Dr. James L. Watson, in his right hand, then and there had and held, then and there feloniously, wilfully, and of his malice aforethought, did discharge and shoot off, to, against, and upon the said William Medley, and the said Dr. James L. Watson, with the leaden bullet aforesaid, out of the pistol aforesaid, then and there, by force of the gunpowder aforesaid, by the said Dr. James L. Watson discharged and shot off, as aforesaid, then and there feloniously, wilfully, and of his malice aforethought, did strike, penetrate, and wound the said William Medley, in and upon the back of him, the said William Medley, giving to him, the said William Medley, then and there, with the leaden bullet aforesaid, so as aforesaid discharged and shot out of the pistol aforesaid, the said Dr. James L. Watson, in and upon the back of him, the said William Medley, one mortal wound, of which said mortal wound he, the said William Medley, soon thereafter, to wit, on the fifteenth day of November, eighteen hundred and sixty-six, died; and the said Dr. James L. Watson, him, the said William Medley, in the manner and by the means aforesaid, feloniously, wilfully, and by the malice aforethought, did kill and murder, against the peace and dignity of the said State of Virginia, not yet restored to its constitutional relations to the government, and by virtue of the said act of Congress, dated July 16, 1866, being subject to and under military jurisdiction. And although after the said murder, so as aforesaid committed by the said Dr. James L. Watson, and before the arrest of the said Dr. James L. Watson by the military authorities of the United States, an examination of said case was held and had an examining court of Rockbridge county, in the State of Virginia, to wit, the twenty-second, twenty-third, and twenty-fourth days of November, in the year of our Lord one thousand eight hundred and sixty-six, under and according to the laws of said State in such case made and provided, and although a provision of the law of the State of Virginia, requiring that when, on such examination before said court, it appeared that a felony had been committed, that there was probable cause to charge the accused therewith, the court should remand him for trial before the circuit court having cognizance of the case; and although proof of the felony aforesaid was made before said court, probable cause shown to charge the said Dr. James L. Watson therewith, cause him, the said Dr. James L. Watson, therewith, and cause him, the *Dr. James L. Watson*, to be remanded to the circuit court of the county of

Rockbridge, therein to be indicted and tried for the aforesaid offence; yet the said court, in disregard of the proof on said examination, did fail to enforce the law of said State, but did discharge him, the said Dr. James L. Watson, in violation of the same, there being, then and there, plenary proof of the offence whereof the said Dr. James L. Watson was examined by the said court. Whereby the said court did fail to secure the equal benefit of all laws concerning personal liberty and personal security to the citizens at large of said State, and of the county of Rockbridge in particular, and in violation of the said act of Congress.

Specification 3. In this: that he, Dr. James L. Watson, citizen, did, on the fourteenth day of November, in the year of our Lord one thousand eight hundred and sixty-six, in the county of Rockbridge and State of Virginia, in and upon the body of William Medley, a man of color, commit an assault and battery, and did beat, shoot, and wound him, the said William Medley, of which said beating, shooting, and wounding, he, the said William Medley, presently died, and the said Dr. James L. Watson, then and there, in the county and State aforesaid, him, the said William Medley, did kill and murder in his malice aforethought.

C. RODNEY LAYTON,

*Captain 11th U. S. Inf., Brevet Major U. S. A.,
Acting Judge Advocate Dep't of the Potomac, Judge Advocate.*

Witnesses: Louis P. Loudon, Philip Carter, (colored,) David Carter, (colored,) Robert J. Echols, Dr. Samuel J. Chandler.

Plea.

United States *vs.* James L. Watson.

The said James L. Watson, protesting that he is not guilty of the murder and felony in the said charges and specifications alleged against him, for plea in this behalf says: That he ought not to be tried now here by this military commission and court, because, as he here avers, being a citizen of Virginia not in the army or navy of the United States, or in the militia in active service, he was, on the fourteenth day of November, in this year one thousand eight hundred and sixty-six, arrested and committed for examination, and tried before a duly constituted court of the county of Rockbridge in the State of Virginia according to the laws of Virginia for the trial of murder, in feloniously and maliciously killing one William Medley, a freedman, by shooting him with a pistol, loaded with gunpowder and a leaden ball, on the fourteenth of the said month; and afterwards, on the twenty-fourth day of the said month of November, by the said court duly examined and finally acquitted of the said murder and felony, as appears by the record of the said court now remaining in the said court, and which is in the words and figures following, to wit, (here insert the record;) and the said James L. Watson says that he, the said William Medley, mentioned in the specifications aforesaid, is the same William Medley mentioned in the record of the said court, and the felony and murder charged in the said charge and specification is the same identical felony and murder mentioned and charged in the said record of the said court of Rockbridge county, of which felony and murder he, the said Watson, was finally acquitted as aforesaid, by the said court in the manner aforesaid, according to the laws of Virginia, which in such cases were and are the supreme law; and the said Watson says that upon the said judgment, acquittal was so rendered as aforesaid by the said court in the said county of Rockbridge. Martial law did not prevail in the said county of Rockbridge, and the action and authority of the civil and municipal courts of the said county were not then suspended by the late rebellion, or any other cause, and the influence, authority, and protection of the laws of

is said the Constitution of the United States had not been withdrawn from the citizens and court of the county of Rockbridge, and were not at that time in force, on the said twenty-fourth day of November, in the year one thousand eight hundred and sixty-six, repealed, abrogated, or suspended. Therefore, he prays judgment of this military commission and court whether the United State shall be allowed to prosecute, impeach, or charge him, on account of the said supposed murder and felony in the said charge and specification contained, alleged, and specified, and whether he ought further to answer the same, and that he may be dismissed by this military commission and court without further delay.

Plea 2.

United States *vs.* James L. Watson.

said James L. Watson, by protestation, denying that he is guilty of the said murder and felony in the said charge and specification alleged against him, for his behalf says, that he ought not to be tried now here by this military commission and court, because, he says, he is a citizen of Virginia, in no way, at any time heretofore, connected with the army or the navy of the United States, or the militia in active service, and by the Constitution of the United States, article third, section two, paragraph third, he is entitled to be tried by a grand jury, and by the sixth amendment to it, to a public trial by an impartial jury, therefore he prays judgment of this military commission and court, without further delay, and that he may be immediately dismissed from the same.

HEADQUARTERS DEPARTMENT OF THE POTOMAC,
BUREAU OF REFUGEES, FREEDMEN AND ABANDONED LANDS,
Richmond, Virginia, January 5, 1867.

Certify that the foregoing is a correct transcript from the record of this case.

O. BROWN,
*Brevet Brigadier General Volunteers,
Acting Assistant Adjutant General.*

HEADQUARTERS BUREAU OF REFUGEES, FREEDMEN
AND ABANDONED LANDS, STATE OF TEXAS,
Galveston, December 18, 1867.

GENERAL: I have the honor to inclose copies of papers and my letter to the military commander of the district. I think they will fully give you an understanding of the case. You will observe that the military commander sustains the military commission.

As soon as I obtain Judge Baldwin's (United States district attorney) written opinion, (I know what it is, and that he will say that the civil courts are obstructed,) I will forward it.

I have respectfully to add that I am of the opinion that this is but one of many cases of a like character that must arise in Texas. Nothing but the strong arm of the government will keep the people of many sections of this State from committing aggravated violence on the freedmen or Union citizens. I have the honor to be, general, very respectfully, your obedient servant,

S. H. LATHROP,
*Captain 35th infantry, Brevet Major United States Army,
Acting Assistant Commissioner.*

For General O. O. HOWARD,
Commissioner, Washington, D. C.

HEADQUARTERS BUREAU OF REFUGEES, FREEDMEN
AND ABANDONED LANDS, STATE OF TEXAS,
Galveston, December 17, 1867.

SIR: I have the honor to enclose papers relating to the retention, by the military authorities, of a colored man, (Dick Perkins.) Copies of my letter and telegrams to Colonel De Gress, at Houston, give the result of my action in the matter. The course of the civil authorities in contemplating turning Perkins over to the man with whom the difficulty occurred is so extraordinary, and the cruel treatment which he received, as is fully set forth in the affidavits of Surgeons Coffman and Baird, United States surgeons at Houston, appear to me to be ample reasons for the course of Colonel De Gress.

There is no doubt in my mind, or in that of any United States officers who are cognizant of the facts and know the course of civil justice in Texas, but that the freedman Perkins would have been made away with somewhere on the road; at any rate he would never have reached the jail in Grimes county alive.

I know no reason why the man who had the difficulty with Perkins could not have been arrested and held on the affidavit of Perkins as well as Perkins on his. I deem it would require sound judgment and the presence of both parties to decide on the truth of testimony so much at variance as these two affidavits are. Certainly in the eyes of the law one is as good as the other.

I would respectfully recommend that Perkins be turned over to the United States court for trial or keeping, or that he be held by the United States military authorities until they are satisfied that the criminal courts of the country are uninterrupted. At the present time I am confident that his trial by the county courts would be a farcical proceeding, and that justice would not be done to either of the parties.

I would respectfully state that I have submitted the facts to Judge Baldwin, the United States district attorney, and will forward his decision when received. Perkins is now in hospital at Houston under guard. I respectfully ask further instructions in this case.

S. H. LATHROP,
Capt. 35th Inf., Bvt. Maj. U. S. A., Act. Ass't Com'r.
ACTING ASSISTANT ADJUTANT GENERAL,
District of Texas, Galveston, Texas.

Official : S. H. LATHROP,
Capt. 35th Inf., Bvt. Maj. U. S. A., Act. Ass't Com'r.

OFFICE SUB-ASSISTANT COMMISSIONER BUREAU OF
REFUGEES, FREEDMEN AND ABANDONED LANDS, STATE OF TEXAS.
Houston, Texas, December 14, 1866.

COLONEL: I reported to you verbally last Monday that a freedman who had been wounded by his former master some six weeks since, and who was confined in jail three or four days after the shooting, until he made his escape five weeks after with a United States soldier who was confined in the same jail, and that he was hunted with blood-hounds after escaping, had been sent to me by Captain Archer, sub-assistant commissioner of Hempstead. I sent this man to the freedmen's hospital at this place, but yesterday his former master tracked him here and had him arrested. Please find enclosed an official copy of an affidavit made by him before the city recorder, by which you will see that this freedman was turned over to the tender mercies of his deadly enemy, who had at one time attempted to kill him. Here are the acts of the civil authorities laid bare. First, arrest a man without a warrant, confine him in the calaboose with irons around his legs, and handcuffed, and then turn him over to a citizen.

and that citizen his worst enemy. After the facts in this case as to the arrest were reported to me, I sent Dr. Baird, acting assistant surgeon, in charge of freedmen's hospital, to the city marshal to see on what charges this man was arrested and taken from under my protection. Mr. Darwin, the former master of the freedman, answered my demand personally by showing the affidavit he had made, but at the same time claiming that he had not yet taken charge of his freedman. If he had not at that time, he is certainly guilty of perjury. I took a copy of this affidavit and sent a written communication to the city marshal, of which the enclosed is a copy, and at the same time sent a request to the post commander, asking that one non-commissioned officer and ten men be ordered to report to me, so that in the event the marshal refused to deliver this freedman to me I could enforce my demand. The city marshal called at my office and wished to know how far I intended to interfere in this matter. I explained to him that this freedman was sent to my office by Captain Archer, and that he was, when arrested, under my protection. The marshal replied that he had concluded not to deliver this freedman up to Mr. Darwin, but to hold him until the sheriff of the county in which the shooting took place, and from where he escaped, should call for him; that it must be immaterial to me who held him until that time. I told him it was of great consequence to me who held him, and I would adhere to my first demand. At this time the sergeant came in and said he was ordered to report to me with ten men. The city marshal at once agreed to let me have the freedman, but I would not for one moment attribute the release of the freedman by the city marshal to the appearance of the squad, *as civil authority is supreme in this State*. I then ordered the sergeant to take his guard and go with the marshal and receive from him a freedman named Dick Perkins, and bring him to my office, and not allow any posse to take him away either by a pretended authority or force. The sergeant complied with this order. Captain Pease, commanding this post, then gave me a guard to place at my hospital to protect this man. I am convinced that had it not been for the prompt manner in which Captain Pease furnished me the one sergeant and ten men, Mr. Darwin and his prisoner would have gone on the train, *and I of course would not for a moment suppose but that Mr. Darwin would have taken the best of care of him and delivered him safely at the county jail either dead or alive.*

I am, colonel, very respectfully, your obedient servant,

J. C. DE GRESS,
Sub-Assistant Commissioner.

Colonel H. A. ELLIS,
Acting Assistant Adjutant General.

OFFICE SUB-ASSISTANT COMMISSIONER BUREAU OF REFUGEES,
FREEDMEN AND ABANDONED LANDS, STATE OF TEXAS,
Houston, Texas, December 15, 1866.

MAJOR: I have the honor to respectfully state that the sheriff of Harris county served on me a warrant and demanded, in the name of the State of Texas, that Dick Perkins be turned over to him. I refused to deliver him, in the name of the United States, on the ground that the surgeon of this post had made an examination of the boy and reported that he was not in a condition to be removed, and also that I could not deliver him without instructions from your headquarters. Please find enclosed copy of report of the surgeon. It is my opinion that this boy should be held, and can be under the provisions of the civil rights bill, as he was thrown into jail and his life endangered by not receiving proper medical attention. Further, that he was put in irons and handcuffed on an illegal affidavit and delivered into the hands of a citizen, and that

citizen his worst enemy. I think this man should now be brought before the United States district court and tried there on whatever charge they wish to prefer.

I have the honor to be, very respectfully, your obedient servant,
J. C. DE GRESS.

Sub-Assistant Commissioner.

Major S. H. LATHROP,

*Acting Ass't Commissioner Bureau of Refugees,
Freedmen and Abandoned Lands.*

HOUSTON, TEXAS, *December 15, 1866.*

COLONEL: In compliance with an order from post headquarters, I have the honor to report having made an examination of said negro. I found a suppurating wound and a pistol ball lodged in the immediate region of the hip joint, which I removed by making an incision one inch and a half in length. The ball had entered immediately above pouparts ligaments, passing over crest of ilium. The delay in performing this operation has endangered the hip joint, and at this time will not admit of his being removed from hospital, and in my opinion rendered so by not receiving the proper surgical attention immediately after being wounded.

VICTOR H. COFFMAN,

Acting Assistant Surgeon.

Colonel J. C. DE GRESS,

*Sub-Ass't Commissioner Bureau of Refugees,
Freedmen and Abandoned Lands.*

Official copy :

J. C. DE GRESS,

Sub-Assistant Commissioner.

STATE OF TEXAS, *Harris County :*

Personally appeared before me, O. Darwin, and made oath that the negro man named Dick is the same that did about six weeks ago enter Mr. Stracore's store, at the Retreat, in Grimes county, in said State, and shot me with a pistol, with the intent to murder me. The said negro man was arrested in the city of Houston, and placed in my possession by the civil authorities.

O. DARWIN.

Sworn and subscribed before me this 13th day of December, 1866.

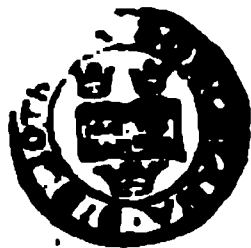
Q. B. J. HADLEY,

C. R. and ex-officio J. P.

Official copy :

J. C. DE GRESS,

Sub-Assistant Commissioner.



HEADQUARTERS BUREAU OF REFUGEES,
FREEDMEN AND ABANDONED LANDS, STATE OF TEXAS,
Galveston, December 15, 1866.

I do hereby certify that Dick Perkins (colored) at the time he was arrested was under my charge at freedmen's hospital and suffering severely from effects of wound received, and was not in a condition to be removed.

THOMAS C. BAIRD,

Acting Assistant Surgeon United States Army.

Personally appeared before me at my office, at Houston, Texas, Dick Perkins, (colored,) who, after having been duly sworn, deposes and says that he testified Captain Byron Porter, then agent of the Freedmen's Bureau at this point, that Mr. Darwin had threatened his life, and that he was afraid to go to his late home near Courtney, Grimes county, Texas; to which Captain Porter replied that he did not have any fears, that the said Darwin certainly would not shoot him, and that I could go home whenever I wanted; upon which I started

Courtney, and from there to my home. Three days after which, at a place called Retreat, in Grimes county, and while in Mr. Stracor's store for the purpose of buying shot, I saw my former master, who was in said store, and who said to me, "How do you do, in this lower part of the country?" to which I replied, "Tolerable, I thank you." In the mean time Mr. Stracor had closed and bolted the door behind me. After saying this I turned to Mr. Stracor, who had turned around for the shot, and not paying any attention to Mr. Darwin, the first thing I knew of Mr. Darwin's intention to shoot me was by hearing the report and feeling a pain where the ball entered my body. After he shot me I turned towards him and commenced shooting at him, and fired (4) four shots. He, however, was coming towards me, and when close to me, and had taken hold of me, also the merchant, Mr. Stracor, but I succeeded in getting my arms around both of them and their backs towards me, holding with my hands the pistol in the hands of Mr. Darwin. Mrs. Stracor had by this time come into the store and asked that the door be opened, to which they replied, "do not open the door," but she opened the door and I walked towards said door, and when near enough I pushed the said Darwin and Stracor from me, and started backwards out of the door, but not before Mr. Darwin had struck me with his pistol over my head, and I kept from falling by holding to the door-facing. I then ran for my horse, and picked up my shot-gun, which was lying near my horse, and also turned to look for my hat. Mr. Stracor had got to me by this time and taken hold of me and my gun, and I only succeeded in getting on my horse and away from him by his wife's pulling him from me. I ran at once to Mr. Whiteside's, who used to be an agent of the Freedmen's Bureau, for the purpose of getting protection. Mr. Whiteside was not at home, but some men there carried me to an out-house, where I remained two days. After that some strange men took me to Mr. Grissoms, where I remained one night. The next morning I was taken by other strange men to the jail at Anderson, Grimes county, where I was kept six weeks. While in there two United States soldiers were confined in the same jail, and I succeeded in making my escape with one of these soldiers. I reported to Captain Archer, at Hempstead, who sent me to Houston, and I was there placed in the hospital. This morning I was arrested by policeman Fitzgerald, and placed in confinement in the calaboose, with irons on my legs and hands handcuffed. While in jail at Anderson my wound was not dressed, nor was I ever brought before any tribunal.

his
DICK + PERKINS.
mark.

Witness: J. A. WARREN.

Sworn and subscribed to this 13th day of December, 1866.

J. C. DE GRESS,
Sub-Assistant Commissioner.

Official:

J. C. DE GRESS,
Sub-Assistant Commissioner.

OFFICE SUB-ASSISTANT COMMISSIONER BUREAU OF
REFUGEES, FREEDMEN AND ABANDONED LANDS, STATE OF TEXAS,
Houston, December 14, 1866.

COLONEL: The sheriff of Grimes county called at my office at one o'clock this p. m., and demanded, in the name of the State of Texas, of me Dick Perkins, referred to in my communication of to-day. I refused to deliver the man, on the ground that while in prison last no medical attention was given him, and that I proposed to keep him until he was well, and that I had referred the matter to your headquarters. I do not think that it would be advisable to give up this man at this moment, if at all.

I am, colonel, very respectfully your obedient servant,

J. C. DE GRESS,
Sub-Assistant Commissioner.

Colonel H. A. ELLIS,
A. A. A. G., Galveston.

OFFICE SUB-ASSISTANT COMMISSIONER BUREAU OF
REFUGEES, FREEDMEN AND ABANDONED LANDS, STATE OF TEXAS,
Houston, December 13, 1866.

SIR: You have in your custody Dick Perkins (colored) arrested by you this day. I have the honor to request that the said Dick Perkins be turned over to me at once, when he will be held subject to orders of the proper authorities.

I am, sir, very respectfully,

J. C. DE GRESS,
Sub-Assistant Commissioner.

Mr. LORD, *Marshal City of Houston.*

Official copy:

J. C. DE GRESS,
Sub-Assistant Commissioner.

HEADQUARTERS BUREAU OF REFUGEES, FREEDMEN
AND ABANDONED LANDS, STATE OF TEXAS,
Galveston, December 15, 1866.

Colonel J. C. DE GRESS, *Houston, Texas:*

I have to acknowledge the receipt of papers in relation to the colored man Dick Perkins, and to inform you that they have been submitted to the military commandant, and your action approved.

Under instructions from the War Department, September 19, 1866, such cases are subject to the cognizance of the bureau or military authorities.

It would perhaps be advisable to furnish the civil authorities with act of Congress of July 16, 1866, and invite their attention to paragraph 14.

I am, colonel, very respectfully, your obedient servant,

S. H. LATHROP,
Captain 35th Infantry, Bvt. Maj. U. S. A., Acting Ass't Com.

Official copy:

S. H. LATHROP,
Captain 35th Infantry, Bvt. Maj. U. S. A., Acting Ass't Com.

[Telegram.]

HEADQUARTERS BUREAU OF REFUGEES,
FREEDMEN AND ABANDONED LANDS,
Galveston, Texas, December 15, 1866.

Colonel J. C. DE GRESS, *Houston, Texas :*

You will hold the boy Perkins until further orders.

S. H. LATHROP,
Acting Assistant Commissioner.

Official :

S. H. LATHROP,
Captain 35th Infantry, Bvt. Maj. U. S. A., Acting Ass't Com.

NAVY DEPARTMENT,
Washington, January 24, 1867.

SIR : I have the honor to acknowledge the receipt from you of a copy of the resolution of the Senate of the 8th instant, requesting the President "to inform the Senate if any violations of the act entitled 'An act to protect all persons in the United States in their civil rights and furnish the means of their vindication,' have come to his knowledge; and if so, what steps, if any, have been taken by him to enforce the law and punish the offenders," and to reply thereto that his department is not aware of any violations of the act referred to.

Very respectfully,

GIDEON WELLES,
Secretary of the Navy.

The PRESIDENT.

DEPARTMENT OF THE INTERIOR,
Washington, D. C., January 24, 1867.

SIR : I have received, by reference, a copy of Senate resolution requesting the President "to inform the Senate if any violations of the act entitled 'An act to protect all persons in the United States in their civil rights and furnish the means of their vindication,' have come to his knowledge; and if so, what steps, if any, have been taken by him to enforce the law and punish the offenders."

In reply I have to state that no information whatever of violations of the act referred to in the resolution has been received at this department, and that the records of this department furnish no means of obtaining information upon the subject embraced in the resolution.

I am, sir, with great respect, your obedient servant,

O. H. BROWNING, *Secretary.*

The PRESIDENT.

POST OFFICE DEPARTMENT,
Washington, January 23, 1867.

SIR : I am in receipt of a copy of the resolution adopted by the Senate of the United States on the 8th instant, requesting information "if any violations of the act entitled 'An act to protect all persons in the United States in their civil rights and furnish the means of their vindication,' have come to the knowledge of the President," &c., and have the honor to inform you, in reply thereto, that no cases have come to the knowledge of this department of any violation of the provisions of that act.

I am, very respectfully, your obedient servant,

ALEX. W. RANDALL,
Postmaster General.

The PRESIDENT.



MESSAGE

FROM THE

RESIDENT OF THE UNITED STATES,

COMMUNICATING.

Compliance with a resolution of the Senate of July 27, 1866, information relative to the practicability of establishing equal reciprocal relations between the United States and the British North American provinces, and the actual condition of the question of the fisheries.

FEBRUARY 19, 1867.—Read, ordered to lie on the table and be printed.

to the Senate of the United States:

In answer to the resolution of the Senate of the 27th of July last, relative to the practicability of establishing equal reciprocal relations between the United States and the British North American provinces, and to the actual condition of the question of the fisheries, I transmit a report on the subject from the Secretary of State, with the papers to which it refers.

ANDREW JOHNSON.

WASHINGTON, *February* 16, 1867.

DEPARTMENT OF STATE,

Washington, February 16, 1867.

The Secretary of State, to whom was referred the resolution of the Senate of the 27th of July last, requesting the President, "if, in his opinion, not incompatible with the public interests, to furnish to the Senate, at the next session of Congress, any information in his possession concerning the practicability of establishing equal reciprocal relations between the United States and the British provinces of North America, including the British possessions on the Pacific, also concerning the actual condition of the question of the fisheries, with recommendations as he may choose to make tending to the peaceful arrangement of these important matters," has the honor to transmit a copy of a report and appendix prepared by E. H. Derby, who has been specially charged by the department with the duty of collecting and reporting such information as called for by the said resolution.

Respectfully submitted:

WILLIAM H. SEWARD,

to the PRESIDENT.

2 RECIPROCAL RELATIONS BETWEEN THE UNITED STATES

LETTER TO THE HON. WILLIAM H. SEWARD, SECRETARY OF STATE. IN ANSWER TO ONE FROM HIM, ON THE RESOLUTION OF THE SENATE AS TO THE RELATIONS OF THE UNITED STATES WITH THE BRITISH PROVINCES, AND THE ACTUAL CONDITION OF THE QUESTION OF THE FISHERIES, FROM E. H. DERBY.

IN THE SENATE OF THE UNITED STATES, JULY 27, 1866.

Resolved, That the President be requested, if, in his opinion, not incompatible with the public interests, to furnish to the Senate, at the next session of Congress, any information in his possession concerning the practicability of establishing equal reciprocal relations between the United States and the different British provinces of North America, including the British possessions on the Pacific, and also concerning the actual condition of the question of the fisheries, with such recommendations as he may choose to make, tending to the peaceful arrangement of these important matters.

Attest :

J. W. FORNEY, *Secretary*.

REPORT.

To the Hon. William H. Seward, Secretary of State for the United States:

SIR: The resolve of the Senate above calls upon the Executive for the latest information as to the state of the provinces of British North America, the possibility of establishing reciprocal relations, and the actual condition of the question of the fisheries.

Acting under your commission of October last, with a view to obtain the information required by the Senate, I have devoted much time to this important subject—taken the most effective steps to procure statistics, and after consulting the merchants engaged in the colonial trade and the fisheries, I deemed it advisable to visit the provinces.

There I conferred with the leading men and officers of government; discussed the question of reciprocal trade with the Chamber of Commerce at Halifax; visited the coal fields and gold mines of Nova Scotia; made a voyage through the gulf of St. Lawrence, and, in conformity to your orders, submit my report in two parts; the one suggestive and advisory, already in your possession, while the other, now submitted, presents most of the facts I have collected to illustrate the questions at issue.

BRITISH NORTH AMERICA.

The configuration of this vast territory first attracts our attention. It not only severs us from the fisheries in the great bays of the north and from the friendly settlements of Russia, by a frontier of more than three thousand miles, but by the peninsula of Nova Scotia on the Atlantic and the isle of Vancouver, of nearly equal size, on the Pacific; it projects into both oceans, overlaps both our coasts, and presents in Halifax and Victoria great naval stations, in close proximity to our routes both to Europe and Asia.

FRONTIER POSTS AND FREE PORTS.

This great territory on our borders, but sparsely settled, with tariffs varying from our own free ports at Gaspé, Lake Huron and Vancouver's island, offering every facility to evade our customs and to break down the revenue on which we rely to sustain our government, has subjected our country to large annual expenditures for frontier ports and custom-houses, which have not for the last half century paid their expenses.

VALUE OF TERRITORY.

The principal part of this territory has for the last 180 years been withheld from civilization by the Hudson Bay Company, who devote it to the production and capture of the wild animals of the forest.

In their schedule of property it is rated at less than two cents per acre.

This territory, remote from Great Britain, although of great intrinsic value, worth little to her, except for the lumber and fur trade, and a market for less in a twentieth of her manufactures.

Canada and the maritime provinces have for more than a century been led to devote their energies to their lands, forests, and fisheries, and the construction of war ships for the British empire. They no longer rely upon the mother country to protect their exports. They are anxious to extend their commerce and to provide the mechanism for manufactures, by which England has made the world her tributary. With the expansion of their commerce and manufactures, they cannot long remain dependent on England.

CLIMATE AND SOIL.

The climate of this region is much milder and more genial than is generally supposed. The isothermal line, drawn from West Point to the Russian settlements near the 56th degree of latitude, gives the mean temperature of Paris and Brussels. It trends to the north as it leaves the Atlantic and approaches the Pacific. The Pacific coast resembles the westerly coast of Europe, from the prevalent course of the winds.

As we pass northerly from the fountains of the Missouri, the mountains subside and the climate softens in consequence, and cattle and buffalo winter in the open air.

If we draw a line from Quebec to the southern limits of the Russian territory, we shall find south of this line a region, of size sufficient to form fifteen States, and competent to produce wheat, barley, and oats, with vast forests of timber, extensive prairies, and valuable fisheries, well adapted for the use of man.

On the waters of the St. Lawrence, the great pineries occupy more than 287,000 square miles. Forests abound upon the inland lakes and streams west of Superior.

The telegraph corps, now extending its lines through British Columbia, find the chief obstacle in forests whose trees are eight to ten feet in diameter, while they report that the great river Knickpack, almost unknown to geography, but as large as the Missouri and navigable for fifteen hundred miles, brings down from British America trees of eighteen inches diameter, and covers the shores of the Aleutian islands with driftwood. Europe, since the time of Sir Walter Raleigh, when he found the great storehouse of deal and clapboards was in the Low countries, but the forests from which they came, in the north countries, have drawn most of her wood and timber from the North sea and the Baltic, but we, who are fast exhausting our forests as we clear our farms, must look for the future supply of our progressive nation north of the British lines.

The climate of the United States is comparatively warm and dry, but in British America, the ocean, winds, great rivers, bays and inlets, and vast forests at a higher latitude, give a more moist atmosphere.

With us the great crop is Indian corn, of which we raise more than of all other cereals combined. To this we may add cotton, tobacco, and grass; but with the cool summers and moist climate of the north, wheat, barley, oats, and potatoes give larger returns to the acre, and a larger amount in proportion to the population, as is shown by the following extracts from the census of 1860:

4 RECIPROCAL RELATIONS BETWEEN THE UNITED STATES AND CANADA

Returns from the census of the United States and from the census of the provinces for 1860.

	United States.	Canada.
Population.....	31, 738, 821	2, 501, 888
Horses	7, 257, 000	725, 744
Cattle.....	28, 751, 315	2, 375, 957
Sheep	23, 298, 807	2, 517, 781
Swine	35, 960, 691	1, 278, 699
Indian corn, bushels.....	827, 624, 528	2, 624, 100
Wheat, bushels.....	170, 176, 027	28, 213, 760
Oats, bushels.....	172, 089, 095	45, 634, 806
Barley, bushels.....	15, 825, 898	3, 692, 021
Potatoes, bushels.....	151, 659, 000	39, 506, 359
Butter, lbs.....	459, 672, 052	52, 705, 854

These columns illustrate well the difference in the productions of the United States and the provinces. In population, Canada represents eight per cent. of the population of the United States; Nova Scotia three-fourths of one per cent. of the population of the United States. A comparison of the figures will show that Canada, when compared with the United States, produces more than its proportion of horses, cattle and sheep; less than half its proportionate number of swine; that it yields two-fifths its proportion of wheat, three times its proportion of oats and potatoes; and four times its proportion of barley; but when we come to our great staple, Indian corn, which yields twice the amount of all our cereals as combined—which fattens our animals and furnishes both meat and flour—Canada does not produce one twenty-fifth part of her proportion. Nova Scotia, both Canada and Nova Scotia give an average; Nova Scotia excels in oats and potatoes, but in swine and breadstuffs is altogether inferior. This demonstrates that it is our province to supply the provinces with corn, pork, lard and hams, and to join Canada in the supply of flour and to open our ports to the reception of Canadian horses, cattle, sheep and barley upon liberal terms.

The subject of wheat is one of great interest to our country. Within the last half century, by a wise division of land into small freehold farms, she has become a sugar sufficient for her own population, and carried her crop of wheat to the West Indies, and annually supplies a deficiency of England with French flour, our crop in 1860 was but one hundred and seventy millions of bushels, and is now less than that of France.

Under our system of agriculture, the crops of wheat diminish, and we are compelled to change the course of culture, and now we look chiefly to the West for our wheat. Our supply is becoming insufficient to meet the foreign demand, and extreme prices are the necessary consequence. The beneficence of Providence, has provided for the effects of an excess of heat in the West, and for an exuberance of moisture in the provinces, by her diversity of crops.

MINERALS AND MINES.

The island of Newfoundland has been compared to a ship anchored in the ocean for the purpose of taking fish. For many years it was governed by a man-of-war, and females were not allowed to land there. Its soil is barren, and in past times it has relied entirely on its fisheries. Of late, a geological survey has been made, and valuable mines been opened. Small beds of coal in gneissous shale and oil springs have been discovered, indicative of coal, and many future discoveries have been traced across the island. The Hon. Mr. Bennett has opened a very extensive mine of sulphide of copper, with an aggregate, thirty feet thick, and yielding ten to twenty per cent.

thousand tons were extracted in 1866, and it will be opened to double the delivery in 1867. Near this mine are beds of valuable marble, contiguous to the sea.

These are important discoveries, as they serve to diversify the pursuits of the people.

If we pass to Cape Breton, the eastern part of Nova Scotia, we find rich veins of bituminous coal, fringing the coast, and easily accessible from the sea.

These extend from Sydney to Louisburg, the ancient naval station of France; are found, also, in the Gut of Canso, and on the shores of the Gulf, and on the main land at Pictou and Cumberland. Coal from these mines, admirably adapted for smiths' use and gas works, can be landed on the coast of New England for four dollars per ton, or less than the cost on the Delaware.

It is a significant fact, illustrative of the different properties of coal, that eight or ten thousand tons of our anthracite coal are used in the furnaces and ranges of the seaports of Nova Scotia and New Brunswick.

One gold field of Nova Scotia extends nearly two hundred miles, and the yield gradually increases, having been 18,744 ounces in 1864, and 24,867 ounces in 1865. The veins first worked proved irregular and unreliable, but more recent discoveries at Sherbrook and Renfrew prove continuous and rich, and are returning large sums to their proprietors, and will probably carry the whole product in 1867 up to a million of dollars.

Veins of iron ore run through the Cobequid mountains for forty miles, so pure that it is sent to England for steel and cutlery, where it has superseded the charcoal iron of Norway. Beds of pure gypsum, and barytes, and the best grindstones on the continent, line the shores of the bay of Fundy; and Albertine of great value, manganese, and antimony are found in New Brunswick.

The maritime provinces are much superior in mineral resources to the New England coast.

In Canada important mines of copper have been opened at Bolton, Harvey Hill, and Lake Superior. Oil wells and salt wells have been sunk, and gold has been found in varying quantities on the Chaudiere and St. Francis. A mineral belt, carrying both gold and copper, extends from Corinth, Vermont, through Lyman and Northumberland, to the hills which form the boundary between Canada and Maine, where mining has been pursued successfully during the past summer.

The great mineral treasures of British America, however, lie in the valleys of the Saskatchewan, Frazer's, and Columbia rivers. Here veins of gold, copper, and lead have been found, and coal traced through several degrees of latitude. On Vancouver's island, near Victoria, are salt springs, in which the brine is four times as strong as the water of the ocean, extensive gold fields, and coal mines that have been opened for the supply of California.

These mineral treasures are of great value to the Pacific coast.

MacFie, a British writer, who had resided at Victoria and in British Columbia, after comparing the climate to that of Italy, observes: "There is a special feature in the topography and geology of California that cannot fail to deepen the interest of every one concerned for the progress of British Columbia, in the resources of the American State. Every indication of metallic or mineral wealth in the latter renders the future prosperity of mining enterprise in the former more certain. The range of the Sierra Nevada, the source of metallic riches in California, is but an extension of the metalliferous ridge that passes through British Columbia, and the large quantities of gold already taken from the mountains of British territory, notwithstanding the limited appliances hitherto in use, give abundant promise that when more capital and labor shall have been attracted to the colony, the variety and extent of its resources to be developed will prove boundless."* And De Smet, after visiting British America as a

* See extracts from MacFie, Appendix, p. 104.

missionary, and commenting upon its superior climate, soil, and resources, well asks: "Are these vast and innumerable fields of hay forever destined to be consumed by fire or perish in the autumnal snows? How long shall these superb forests be the haunts of wild beasts? And these inexhaustible quarries, these abundant mines of coal, lead, sulphur, iron, copper, and saltpetre—can it be that they are doomed to remain forever inactive? Not so. The day will come when some laboring hand will give them value; a strong, active, and enterprising people are destined to fill this spacious void. The wild beasts will, ere long, give place to our domestic animals; flocks and herds will graze in the beautiful meadows that border the numberless mountains, hills, valleys, and plains of this extensive region."

FISHERIES.

Upon both fronts of this territory, on the two oceans, are very valuable fisheries for whales, seals, cod, mackerel, salmon, and other fish. These fish are taken in great abundance, both in the gulf of St. Lawrence and on the shores of Nova Scotia, Canada, New Brunswick, Newfoundland, and also along the coast of British Columbia and Vancouver's island. "Halibut are caught in immense numbers around the entire coast, but especially off the straits of Fuca. Their size is often enormous, and it is asserted by an officer of the Hudson Bay Company that in forty-eight hours' fishing a vessel of six hundred tons might be laden with them."* The men who pursue these fisheries are of great value both for the supply of the interior of the continent, and for commercial pursuits and the fisheries serve as schools to rear and educate a body of hardy seamen to man the merchant ships and fleets of the republic.

Canada maintains a government vessel, *La Canadienne*, for the protection of the fisheries on the Canadian waters, under the charge of Pierre Fortin, esq.

In his report for 1865, submitted a few months since, he refers to the American vessels employed in the fishery for mackerel, in the following terms: "The American schooners engaged in the mackerel fishery are the handsomest and best vessels of the kind in the world, and no vessels belonging to other nations can compare with them. It was estimated that there were this year from 1,050 to 1,200 of these American vessels engaged exclusively in the mackerel fishery on the gulf of St. Lawrence. I made inquiries as to the conduct of such of the crews of these vessels as had landed this year on the Magdalen islands, and was gratified to learn that they had committed no acts of depredation, and had not disturbed public order."

The same gentleman, in speaking of the diminution of whales on the Atlantic, remarks: "There are regions seldom visited by man where these animals are still found in immense numbers, and of these some are not far from our own land. Of course I mean Hudson's bay and Davis's straits, Baffin's bay and the coast of Greenland. Those arms of the sea, impenetrable to mankind except during the summer season, are still inhabited by numerous schools of the right whale, the humpback, the ronqual, and herds of sea lions and seals of all varieties." Hudson's bay and its great arms extend south to the fifty-first degree of latitude, and are easily accessible from the Red river and Lake Winnepeg through the greater part of the year, and to these points we may look for great inland fisheries for both seal and whale, upon this reliable authority.

The importance of these fisheries as schools for seamen is further illustrated by Monsieur Fortin, by the striking fact that Canada gives a bounty of \$4 per ton to her fishermen at the very moment that we discontinue the one we have paid since the commencement of the century, although her fishermen are exempted from duties and have the fisheries at their gates.

* MacFie.

RAILWAYS.

The provinces have made much progress in railways; 2,411 miles of railway track have been laid, connecting Portland and the Riviere de Loup, below Quebec, with Lake Huron, and this has been effected at a cost of \$121,543,189. The means were furnished partly by the provinces, partly by English stockholders.

The receipts for 1865 were nearly \$11,000,000, and the expenses barely exceeded \$7,000,000, leaving a net profit in the outlay of \$3,782,576, an average three per cent.

The Grand Trunk line, which runs for most of its length nearly parallel to navigable waters, has thus far returned little to its projectors, but its business is not increasing, and has not been seriously impaired by the abrogation of the treaty.

At a general meeting of the Grand Trunk Railway Company, at London, October 4, 1866, the chairman, E. W. Watkin, M. P., stated that the net profits of the company for several years had been as follows:

For half year ending June, 1860	£6,000
For half year ending June, 1861	46,785
For half year ending June, 1862	63,436
For half year ending June, 1863	133,289
For half year ending June, 1864	181,791
For half year ending June, 1865	139,602
For half year ending June, 1866	207,720

He also stated to the meeting that "our manager, Mr. Bridges, has been sent down into the lower provinces in order to investigate the position of their international trade, and he reports to us that there is a very large field for a new commerce to be carried on between Canada and the other provinces, which has hitherto far been carried on between those provinces and the United States. In the article of flour, in barrels alone, there is business done in Nova Scotia, New Brunswick, and Prince Edward's Island, to the extent of 767,000 barrels per annum, all of which is done with the United States. Of course, there is some trade with Canada now, but it is small. Our manager informs us that in future a greater part of this flour will be purchased from the flour producers of Canada. We shall get our share of this traffic, which will be a new source to supply the deficiency created by the alteration in the course of our former trade."

"Now, with regard to the intercolonial railway. That and the confederation of the provinces means the same thing, because one of the conditions on which the maritime provinces agreed to join Canada in confederation was, that a railway should be made to connect the railway system from Halifax with the Grand Trunk system at Riviere de Loup, below Quebec. Therefore, if the compact is made and completed, and ratified by the imperial Parliament, all cause of anxiety with regard to making the intercolonial railway is at an end. All the provinces are agreed. There has been, since the time Mr. Adams speaks of, a general objection in Brunswick, which for some time stood out, but now agrees to come into this confederation. The delegates from Nova Scotia and New Brunswick are already here. The delegates from Canada are expected in November, and there is no doubt that one of the first measures that the government will bring before Parliament in February will be to sanction the confederation of those provinces."

The English managers of the Grand Trunk are urging confederation and intercolonial traffic. The new line will keep up the connection with England, and if it does, in part, supersede or compete with the Grand Trunk railway, it will give lucrative contracts.

8 RECIPROCAL RELATIONS BETWEEN THE UNITED STATES

In Nova Scotia a line has been opened to Truro, sixty miles, with a branch of thirty miles finished to Windsor, and branches in progress or completed to Pictou and Annapolis; and in New Brunswick a line of 108 miles from St. John to Shediac is in operation, and means have been provided for the extension of a line from St. John to Calais. As soon as our line from Bangor to Calais is complete a continuous track from Halifax to Lake Huron will be in operation.

EUROPEAN AND ASIATIC TELEGRAPHS.

Our great lines of telegraph, both to Europe and Asia, pass through portions of British America, and are subject to foreign control. The line to Ireland passes through three British provinces; the line to Russia extends across British Columbia. For this indispensable agent we are dependent on a foreign power.

AMERICAN TELEGRAPHS.

In Canada 4,973 miles of electric telegraph have been completed, and 479,331 messages were sent in 1865.

In Nova Scotia, New Brunswick, and Newfoundland, several hundred miles more have been finished, which connect the Atlantic cable, Halifax and St. John with Boston, and messages are transmitted from the chief cities of the maritime provinces to the great commercial centres of our country. The railways and telegraphs of the provinces have, in proportion to the population, made as great progress as those of the United States.

CANALS.

The chief canals of the provinces are on the St. Lawrence in Canada, and with the Grand Trunk line have materially contributed to the Canadian debt, now verging on \$80,000,000. Of these canals, forty-three miles lie between Montreal and Lake Ontario, admitting vessels of 300 tons, and twenty-eight miles lie between Lakes Erie and Ontario, admitting ships of 400 tons, while our own canal at the outlet of Lake Superior, with locks twelve feet deep and seventy feet in width, permits the passage of ships of ten to fifteen hundred tons burden.

BANKING INSTITUTIONS.

Several banks are established in each of the provinces. In Canada the capital of banks is \$30,700,000; the deposits in savings institutions were, in 1865, \$2,711,651. The amount of banking capital and deposits in all the provinces is less than the amount in our commercial and manufacturing State of Massachusetts.

MANUFACTURES.

Manufactures are still in their infancy in the provinces; they have not had until recently, the fostering care of government; and while the provinces rival us in some branches of agriculture and in moulding and sawing wood into shapes which the English do not consider a manufacture, our country is greatly in advance in most branches of the arts. The State of Massachusetts, a State in position, and natural resources, inferior to Nova Scotia, has been proved by the census of 1865 to produce annually \$517,000,000. There has been nothing like this in the British provinces; but of late years the accumulation of wealth, improved highways, and a gradual increase of tariffs have given a start to manufactures, and the Canadians, at Toronto, Hamilton, and other cities, are making good progress in the production of boots, shoes, leather, woollens, linen, cloth, and machinery, while wooden furniture is shipped from Montreal to Europe.

In Nova Scotia and New Brunswick, also, manufactures of boots, shoes, and ring-machines, and foundries, have been started under good auspices at Halifax, Windsor, and St. John. A large sugar refinery is in progress at Halifax.

SHIP-BUILDING.

Under low duties the provinces, with an abundant supply of timber contiguous the sea and navigable lakes and streams, have made good progress in ship building; in this they have been encouraged by the parent empire. The ship-yards of the provinces furnish nearly one-fourth of the ships that sail under the British flag, and furnish annually 200,000 tons of shipping. The vessels of the provinces are rarely constructed of oak, and are not as durable as our own ships, being built of spruce, beech, juniper, and hackmatack, but they are all modelled, light, and buoyant, and well adapted to the provincial commerce. The vessels built in the United States were :

in 1864	383, 805 tons.
in 1865	429, 645 tons.*

TONNAGE.

The following is the tonnage of the United States, the provinces, and Great Britain: In 1865, the United States, 3,368,476; provinces, 1,088,000; Great Britain and provinces, 6,300,000. Great progress was made in navigation by the provinces during the late war, as will appear by the following table, viz :

Date.	Tonnage of New Brunswick in successive years.	Tonnage of Nova Scotia.
1860.....	147, 088	234, 743
1861.....	158, 246	248, 061
1862.....	157, 718	277, 708
1863.....	211, 680	300, 554
1864.....	233, 225	365, 503
1865.....	249, 695	408, 000

There is reason to presume that a part of this growth is due to the transfer of some American ships to the English flag, to avoid danger from piratical cruisers during the war. I would respectfully suggest that such transfers by neutrals have been sanctioned by usage in former wars; and as our country was able to give no convoy, and is interested in the preservation of the property of its citizens and the recovery of its ships, that the owners of such vessels have suffered sufficiently, and should no longer be excluded from our registry by commercial rivals who sometimes assume the mark of patriotism. I am not prepared, however, to commend the admission of provincial vessels to our registry and coasting trade while a foreign power controls the shipping of the provinces. We must reserve this great privilege for the hour when we shall become more closely united.†

LUMBER TRADE.

There is no record of all the timber cut in the provinces, but some idea of the quantity may be formed from the exports of each province.

* See Appendix, p. 184.

† See Appendix, p. 104.

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The exports of wood and its products have been in the year ending June 30, 1866—

From Canada.....	\$13, 846, 986
From New Brunswick, in 1865.....	3, 641, 759
From Nova Scotia.....	776, 034
	<hr/>
	18, 264, 779
	<hr/>

Included in the amount from Canada are 240,193 cords of firewood.
During the past year the shipments of lumber from Canada have been—

To the United States.....	\$6,461,015
To Great Britain.....	7,144,317

In the Year-book and Almanac for British North America for 1867, it is stated that the export duty on pine timber in New Brunswick is 20 cents per ton, and on pine plank and boards 20 cents per 1,000 feet, and that this duty yielded \$61,903 in 1865, and “that it replaces the stumpage duty formerly paid to the province for every tree felled.” But \$4 only is paid for a license to cut timber, and by this substitution the duty is levied on American timber entitled to the free navigation of the St. John. Is not this an evasion of the Ashburton treaty ?

COMMERCE WITH BRITISH AMERICA.

In 1852, before the treaty of reciprocity, our exports and imports in commerce with the British provinces were, by our records, less than \$17,000,000. In the year ending June 30, 1866, by the same records, they exceeded \$82,000,000. The average growth has exceeded 25 per cent. per annum. In the tonnage of arrivals and departures the growth has been quite as rapid, the amount having risen, in the year ending June 30, 1866, to 36,301 vessels, and a tonnage of 7,284,170 tons arriving and departing. Had the fiscal year terminated with March, since which there has been a decline, the whole amount would doubtless have been close upon eight millions of tons.

The above exports, imports, and tonnage exceed those in our commerce with any nation except Great Britain.

In the commerce with Canada the American tonnage still predominates; in our commerce with the maritime provinces the tonnage of provincial vessels greatly exceeds our own, as will appear by the following tables :

American vessels in trade with the provinces for the year ending June 30, 1866

Countries.	ENTRANCES.		CLEARANCES.	
	Ships.	Tonnage.	Ships.	Tonnage.
Canada	4, 554	1, 481, 049	4, 203	1, 353, 421
British Provinces	799	209, 673	760	246, 295
British Columbia	262	56, 887	269	71, 000
Total.....	5, 615	1, 747, 609	5, 232	1, 670, 716

Foreign vessels.

Countries.	ENTRANCES.		CLEARANCES.	
	Ships.	Tonnage.	Ships.	Tonnage.
Canada	8,569	1,295,499	8,527	1,344,799
British provinces.....	3,977	524,679	4,272	677,858
British Columbia	61	13,139	48	9,888
Total.....	12,607	1,833,317	12,847	2,032,545
Aggregate			7,284,170 tons.	

COURSE OF TRADE.

In this commerce, for some years past, our imports from the maritime provinces have been less than our exports, while our imports from Canada have exceeded our exports; during the past year the Canadian excess having been by our returns thirty-two millions, and by Canadian returns at least twenty millions. During the last months of the treaty, and after a productive year, efforts were made to hurry the cattle, grain, and other produce of the country across the frontier, while the state of our currency and prices and rates of Canadian duties were such that we could send little besides gold or our bonds in return for the surplus.

There is also one fact that stands out in bold relief, that, during the last year of the treaty, the aggregate exports of all the provinces to the United States were twice the amount of their exports to Great Britain, New Brunswick alone showing a small excess in her exports to the latter country, principally in the article of lumber. This result of an open commerce between the provinces and the States in the products of the sea, forest, mines, and agriculture, clearly demonstrates that the great and natural market of the provinces is here rather than in Great Britain. By the provincial records the exports from the principal provinces have been as follows:

Exports from Canada for year ending June 30, 1866—	
to the United States	\$34,770,261
to Great Britain	12,981,641
From Nova Scotia for year ending September 30, 1865—	
to the United States	3,619,797
to Great Britain	764,742
From New Brunswick for year ending December 31, 1865—	
to the United States	1,736,208
to Great Britain	2,594,061
From Newfoundland for year ending December 31, 1864—	
to the United States	203,000
to Great Britain	1,373,000
From Prince Edward's Island for 1865—	
Total exports	1,512,825
to United States about	654,720
to Great Britain and Ireland about	327,950

It is apparent from these returns that the exports from the provinces to the United States, under the treaty, were more than twice as large as the exports

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to Great Britain, while the imports from the United States were, by the provincial returns, but one-third less than those from Great Britain. The imports are less than the exports, and the trade with the United States has consequently become more important than the trade with Great Britain. The colonial returns are confirmed by those of the United States.

EXTENT OF MARKET.

The merchants of the provinces find the great market for their productions in the United States. Great Britain requires annually less than \$200,000,000 of the productions which the colonies yield, and her wants are chiefly supplied by the continent of Europe; France, Russia, Turkey, and other nations supply broadstuffs and cattle at low rates.

Sweden and Norway furnish wood in all its varieties, and whatever may be the case two centuries hence, Great Britain requires no coal at present for her provinces, and exports herring and mackerel.

The great and natural market of the provinces is within the limits of our Union. Our census shows that here, in 1859, \$1,900,000,000 of manufactures and \$400,000,000 of imports were exchanged for the surplus of \$2,500,000,000, the products of agriculture. It is to this great and growing market, not the limited market of the British isles, that we can invite the colonists of England, and they have learned its value.

Such were the beneficent effects of the treaty of reciprocity, which, after some years of negotiation, took effect in 1855, and was repealed under a notice from our government, March 17, 1866. It had quintupled our trade with the provinces, given an impulse to public improvement, and utilized the new canals, railways, and other avenues of commerce. It established also the fact that the great and natural market of the provinces was on this side of the Atlantic. The notice for repeal was given at a time when our country was deeply offended with Great Britain. In our great struggle for existence she had given her sympathy to our foes. She had denounced slavery, but sought to establish a slave empire; she had built cruisers to destroy our shipping, and clipper ships evade our customs; there had been difficulties on the frontier, and these had accelerated the fall of the treaty, but the treaty itself had serious defects. It was based upon the assumption that the two countries had made equal progress in the arts. It was well adapted to the provinces, for they were devoted to the field, forest, sea, and mines, but the United States had devoted one-third of their energies and capital to manufactures, and consumed at the principal part of their raw material.

Under the treaty, the exports of the provinces were sent principally to York and New England, and these had no coal, wood, herring, and little for export to the provinces. It is true they had an abundance of boots, tools, cutlery, clocks, vehicles, and furniture, and, before the treaty, sent to the provinces, but the treaty did not shield them from duties. Canada, anxious to raise revenue and solicitous to rival us in manufactures, imposed duties which checked the exports of New England. As the war progressed, we drew upon Canada for large supplies of horses, cattle, and grain; while the treaty was expiring, her productions were pressed across the borders, and in the last year of reciprocity the importations from Canada, by provincial returns, exceeded our exports by twenty millions. By our own returns there was a still larger excess. Under ordinary circumstances we might have spared a portion of our gold, for we are drawing five times this sum from our western gold fields; but the war was drawing to a close; large armies were to be paid, and taxes to be levied; a large debt was to be funded, a paper currency to be redeemed, and specie to be saved.

Under such circumstances, the check given by Canada to our exports operated against the treaty. Financial considerations called for its modification—the treaty became a dead letter.

Since the repeal of the treaty, the former duties of the United States have been revived, and a new duty of twenty per cent. has been imposed on animals. The maritime provinces, whose tariffs had been low and satisfactory to us, have retaliated by an advance of duties, while Canada, in a more liberal and magnanimous spirit, has reduced her duties one-fourth upon our manufactures, raised her duty to sixty cents on spirits, and proposes to discontinue her free ports and assimilate her duties, and she has, in concert with the lower provinces, sent envoys to Washington to negotiate a new treaty, and I have good reason to believe is ready to negotiate a new treaty on equitable terms. The other provinces have very naturally advanced their duties. New Brunswick has increased its duty on tobacco, placed a duty of eight dollars a head on horses and oxen, ten dollars on swine, seventy-five cents on sheep, and one dollar per hundred pounds on three per cent. *ad valorem* on beef, pork, hams, lard, and bacon. Nova Scotia has put a duty of twenty-five cents per barrel on flour, ten dollars on horses, seven dollars and fifty cents on cattle, five dollars on swine, one dollar per barrel on beef and pork, and two dollars per one hundred pounds on hams, muttons, and bacon, with one dollar and seventy-five cents per one hundred pounds on lard.

Prince Edward's Island has placed a duty of twenty-five cents per barrel on flour, and one dollar per barrel on beef and pork, and one dollar and sixty-six and two-thirds cents per one hundred pounds on hams, bacon, and lard.* New Brunswick has placed a duty of thirty-six cents per barrel on flour, twelve cents per barrel on oat and corn meal, seventy cents per barrel on pork, and fifty cents per barrel on beef, and eleven per cent. on lard.

Under such retaliatory duties and others on less important articles, we may well expect a decline in our importations from all the provinces, a serious check to our exports to the maritime provinces, and a decay of commerce.

It was predicted in my report of last year, as a necessary consequence of the repeal of the treaty, and the prediction has been verified. But eight months have elapsed since the repeal of the treaty of reciprocity; the returns of the custom-houses are still incomplete, and we cannot, for some months to come, obtain the results of an entire year; but we have already some promonitory symptoms, some returns which indicate that the commerce with the provinces, which has for the past eleven years increased at the rate of fifteen to twenty per cent. per annum on each preceding year, and nearly twenty-five per cent. at the start, is now declining still more rapidly.

The following tables show the exports from Halifax to all the ports of the United States for six months before and six months after the expiration of the treaty, compared with those of the like period in 1865.

* See colonial duties, Appendix, p. 183.

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Total value of exports from the port of Halifax to each country during the months ending September 30, 1866.

	Quarter ending—				Total
	December 2.	March 2.	June 2.	Sept. 2.	
Great Britain	\$23,897	\$47,692	\$49,996	\$95,614	\$21
Canada	106,740	.....	75,800	298,020	48
New Brunswick.....	85,790	40,948	98,346	57,332	28
Newfoundland	70,417	27,089	65,125	29,166	19
Prince Edward Island....	106,710	.....	83,702	21,928	21
British West Indies.....	236,174	286,277	276,389	209,901	1,0
Spanish West Indies.....	110,314	142,937	99,294	76,565	4
French West Indies.....	.....	5,477	.....	.....	.....
St. Thomas	2,878	8,688	5,372	5,995	1
St. Domingo.....	6,680	12,842	6,824	3,650	1
Brazil.....	.....	10,432	.....	.....	.....
Africa.....	8,825	32,336	.....	.....	.....
Madeira .....	.....	.....	.....	12,813	.....
St. Pierre	3,706	2,299	3,862	17,288	1
United States.....	574,027	537,915	109,174	117,855	1,3
Fisheries .....	.....	.....	55,332	23,402	1
Total.....	1,336,158	1,154,932	929,207	969,529	4,3

Total value of imports at the port of Halifax, N. S., showing the value of imports from the United States during the years ending September 30, 1865 and 1866.

Quarter ending—	Total imports.	Imported United States
December, 1865.....	.....	.....
March, 1866.....	\$2,417,077 00	\$835,1
June, 1866.....	1,442,974 00	580,1
September, 1866.....	4,632,692 00	734,1
Total.....	2,603,651 00	371,0
	11,096,394 00	2,512,1
December, 1864.....	1,844,752 00	510,1
March, 1865.....	1,017,752 00	334,1
June, 1865.....	3,554,626 00	556,1
September, 1865.....	2,711,317 00	517,1
Total.....	9,128,447 00	1,918,1

The tables show an important growth previous to the repeal, and a decline nearly three-fourths of the whole exports in the half year following the repeal. The decline in mackerel of ninety-three per cent., in herring of ninety per cent., and on dry fish of sixty-five per cent., on oil of ninety-five per cent., on miscellaneous articles of seventy-five per cent.

The imports from the United States into Halifax, which exhibited a decline increase down to May, 1866, have since that period begun to decline, and the following results for the quarters ending September 30, 1865 and 1866

Imports into Halifax from the United States.

For quarter ending September 30, 1865	\$571, 033 00
For quarter ending September 30, 1866	371, 033 00
Decrease 35 per cent.	200, 000 00

The official returns of the custom-house at Boston give similar results :

Exports to British provinces.

For second quarter of 1865	\$710, 727 00
For second quarter of 1866	776, 810 00
For third quarter of 1865	580, 658 00
For third quarter of 1866	754, 169 00

Imports from British provinces.

For second quarter of 1865	\$685, 430 00
For second quarter of 1866	299, 369 00
For third quarter of 1865	1, 384, 881 00
For third quarter of 1866	945, 373 00

While a slight increase appears in exports, possibly in anticipation of retaliatory duties, a decline of forty per cent. is shown in imports from the provinces, in place of the gain of previous years. A decline in tonnage arriving is also exhibited :

For second quarter of 1865	89, 008 tons.
For second quarter of 1866	50, 013 tons.
For third quarter of 1865	120, 511 tons.
For third quarter of 1866	111, 234 tons.

If we glance at Newfoundland, we shall find that the shipments of dry fish since March to the United States have declined to 1,459 quintals, against 12,858 in the corresponding period of 1865, while the shipments of fish to Spain, Portugal and the West Indies have increased, and the importations of flour, beef and pork, which formerly came from the United States, have declined from 207,000 to 153,000 barrels. The large shipments of oats, butter, eggs and potatoes, formerly made in steam-packets from Prince Edward's Island to Boston, have been discontinued, and the packets have been compelled to take fish from our fishermen—a less remunerative freight. The oats are sent to England; the eggs, poultry and butter to St. John, by the Shediack railway; while the potatoes, of high repute in our market, are devoted to the swine. The land now fattens pork for Nova Scotia and New Brunswick, to replace that which came formerly from Ohio and Illinois.

The able comptroller of customs at St. John, New Brunswick, Mr. Smith, in his Report on Trade and Navigation, just published, states that the lumber trade of the province continues flourishing; the export having grown from 73,943,000 feet in 1860 to 331,925,520 feet in 1865, exclusive of shooks, masts, spars and timber.

He adds, "that the closing of the treaty, as far as we can judge at the present time, has had no injurious effect on the interests of either of the colonies; the quantity of lumber sent forward to the States does not appear to decrease; the value of the article has been fully sustained, while their own people, who use it, have had to submit to a duty of twenty per cent. *ad valorem*, when it goes into the consumption of the country. This has tended to increase the value of timber used in the States, and has rendered it more difficult for their exporters to compete with us in the markets of the West Indies and South America."

He further states that, "in 1860, New Brunswick exported to Cuba 34,136 box shooks; in 1861, 79,250; in 1862, 92,781; in 1863, 224,447; in 1864, 260,291, and in 1865, 433,363. Nearly all the sugar-box shooks used in Cuba were supplied, a few years ago, by the State of Maine; but the British provinces are now vigorously competing with that State for this trade."

The views of Mr. Smith, as to who pays the duties on lumber, are confirmed by the following tabular statement of prices in the city of New York:

Prices of lumber in the city of New York in August.

	1860.	1865.	1866.
Spruce timber.....	\$14 00	\$20 00	\$21 00
Pine timber.....	14 00	21 00	22 00
Spruce boards.....	15 00	21 00	22 00
Pine boards.....	18 00	26 00	30 00
Clear pine boards.....	36 00	65 00	90 00
Laths.....	1 55	2 40	4 00

There is evidence that the duty of twenty per cent. on lumber is not only paid in great part by our own citizens, but that it compels them also to pay twenty per cent. more for American timber, which in Maine and several of our western States is held in large blocks, by a few capitalists and speculators; that it is injuring Maine and the nation at large by transferring our trade with the West Indies to foreigners, and injuriously affecting our manufactures and shipping. The price of lumber is determined chiefly by the price in Europe, and, to reach this country, it must command a price here sufficient to pay freight, duty, and charges, and to give net returns equivalent to those of a shipment across the Atlantic. It will be our true policy to reduce the duty. If we look at Canada, we shall find not only a great diminution in the shipment of animals across the border, but a material increase in the shipments to Europe.

The wheat, oats, and part of the barley* are taking the route to Europe without benefit to our canals and railways, if we may judge by the increased shipment from Montreal.

The tonnage of vessels clearing from Montreal has been as follows, for years ending December 14:

- 1864, 141,387 tons; vessels from west sent to Europe, 20.
- 1865, 134,347 tons; vessels from west sent to Europe, 9.
- 1866, 191,091 tons; vessels from west sent to Europe, 2.

Here we have an excess of forty per cent., or of 56,000 tons, outward bound, with cargoes, and the increase is chiefly in the trade to London, Glasgow, and the maritime provinces. Since the repeal of the treaty, lines of propellers have been started to run from Canada to Prince Edward's Island, and through the Gut of Canso to Halifax; others from the Grand Trunk to Halifax and St. John; and a new line is proposed to run from Hamilton or Toronto to Shediac and Pictou.

Deputations have been sent to Brazil and the West Indies, to report upon the nature and extent of our trade with those regions; and the provinces, under the

* As our production of barley is insufficient to meet our requirements, we continue to receive it from Canada, while a part goes to England. The importation of cattle from Canada, during the past four months, has been reduced 75 per cent. when compared with that of corresponding months in 1865.

impulse given by the repeal, are making unwearied efforts to rival us in our foreign commerce.

These measures are the necessary result of exclusion from our ports, for many of our duties are nearly or quite prohibitory.

Thus potatoes, worth twenty-five cents in the provinces, are charged with a duty of one hundred per cent.; coal, which costs but \$1 to \$1 10 to extract from the mine and place on shipboard, is charged with a duty of one hundred and twenty-five per cent.; sulphate of barytes, costing but \$2 per ton, is charged with a duty of \$10, and oats with a duty of twenty-five to thirty-five per cent. With mackerel at a duty of \$2 per barrel, the English fisherman must withdraw from our markets. Such duties are ruinous to commerce. We may well presume that some of the efforts made by the provinces to reverse the course of trade are spasmodic and will prove ineffectual. That it will not always be found wise to carry plaster and grindstones from the provinces to the States and to return in ballast, while propellers bring breadstuffs from Canada and return in ballast also; but there can be no question that our tariff, which has superseded free trade, and the reprisals to which it has led, have done serious damage to our commerce.

In 1865, Nova Scotia exported 515,905 tons of coal, and of this 450,294 tons were sent to the United States, chiefly from mines opened and held by our people. Under the new duty the price at the mines did not decline, or declined but little, and the duty was chiefly paid by our own people, but the proprietors are disheartened and a serious check has been given to their progress. In 1865, 56,155 tons of plaster were shipped, of which 52,294 came to the United States. The cost of this must be materially increased to our farmers by the loss of return freight. Herring, to the amount of 138,343 barrels, were shipped also from Nova Scotia, of which 74,156 came to this country, valued at an average of \$3 per barrel—a most important article of food for the poorer classes. Now we exclude or diminish their use by a duty of thirty-three per cent., or \$1 per barrel. Nova Scotia sent us mackerel, also, to the extent of 126,740 barrels, and valued at an average of \$7, and these we exclude by a duty of \$2, or twenty-nine per cent., and in consequence Nova Scotia calls for a heavier tax upon our fishermen. They ask for no such protection. While firewood, of which more than a quarter of a million cords came to this country from the provinces, for railways, brick-yards, and other important uses, is subjected to a tax of twenty per cent. It may well be asked, does American firewood require such protection?

Having thus pictured the condition in which the repeal of the treaty has left our trade with the provinces, the inquiry presents itself, what shall be done? The first question is, do the United States require the oppressive duties imposed, do they aid our treasury, or do our productive farms require such protection?

Our nation is recovering from the war; its revenue is twice its expenditure and fast increasing; it has two million of veterans off duty, but ready for service; two million of rifles and fifteen thousand cannon of improved pattern; storehouses filled with clothing and munitions of war, and a navy of one hundred and fifteen steamships in commission, unsurpassed in the calibre of its guns, the strength of its steamships and the material and discipline of its men. Surely this great nation, thus provided, does not require onerous taxes on the herring, potatoes, laths, shingles and fuel of the poor; and if it did, it is not wise to make such duties prohibitory.

What the country does require is a moderate duty on barley and animals; on valuable plank and boards; on coal; on dry fish and mackerel, to yield a moderate revenue, and to place her farmers, miners and fishermen, while taxed for the war, on an equal footing with their provincial brothers. It requires an assimilation of duties, the removal of free ports, the suppression of smuggling, the discontinuance of fortresses and great naval stations on our routes of commerce, the repeal of statutes that subject our ships to a year's light-money for a single

trip, and heavy charges for anchorage, and duties that discriminate against our seaports and navigation. It would extend copyrights and patents, and co-operate in those great works of improvement which will allow steamers of 1,000 tons to go from Lake Superior through Lake Champlain to New York, and down the St. Lawrence to the sea; and this, without doubt, can be effected by negotiation.

The most effective mode to remove all difficulties would be the union of all parts of our continent in one harmonious whole. But this requires the sanction of England. Her rights are recognized; and if a marriage is to be consummated, she must not forbid the bans.

In time of peace, we can have no Sabine marriages; but were England to adopt that liberal policy taught her by the history of the past century; were she to carry out the measures she has often foreshadowed, and in which her most distinguished philosophers believe; were she to recognize the fact that her colonies have grown to man's estate; that their population—one-tenth of our own—will be four millions within a year—superior in numbers, commerce, and shipping to our own when we threw off our allegiance; were she to come at once to the conclusion that they will be independent, that their great market is on this side of the sea, that they will not forever link their fortunes with those of any European power, or have their farms made the battle-fields on which the rights of Ireland or of the United States shall be settled; were she to consider that smaller bodies gravitate towards larger, that the principalities and dukedoms of Europe have within a few years been reduced one-third; were she to consider the small returns she draws from a large expenditure—would she not, with a wise forecast and a parent's care, herself take the initiative, and seek to obliterate the memories of three wars—the last just finished—and to win the love and gratitude of a continent by an act of magnanimity? England, in the sad history of the past, finds much to regret in the course she has here pursued—in the useless sacrifice of lives, the waste of treasure which, with interest, would to-day exceed her national debt—to preserve what she might, with both honor and profit, have resigned. Before our late struggle, her exports to the provinces were not one-twentieth of her whole exports, and, if we take population into account, were little more than proportionate to her exports to the States; but here she pays for no officers of state, no garrisons, railways, or navies. In 1861, the first year of revolt, she exported to the States but £9,064,504; in 1865, when union was restored, she sent us, under war duties, £21,235,790. She draws to-day more net income from the States than from the provinces; but to-day she is lavishing her treasure on useless ships and fortresses, and maintains fifteen regiments in the provinces, at a cost, if our own expenses be the criterion, of at least twenty millions of dollars. Nor is this all. She is proposing an outlay of twenty to forty millions more on a railway through a trackless wilderness—with not a settler to the square mile—which cannot pay, which is not wanted by commerce, which actually competes with nearly three hundred miles of the Grand Trunk, and lengthens the journey 30 to 40 miles from Halifax to Montreal, when compared with the line via Portland, that must soon be finished.

Suppose it should be urged that a monarchy or aristocracy, like that of England, would be preferable to a republic for the colonies. Can England for a moment believe that our country can be reconciled to either upon the northern or southern frontier of our republic, or that either could endure in such contiguity? Let it be urged that a union with the provinces would add to our resources and commerce: would not both contribute to her own? and did not disunion deprive her of cotton and tobacco, as well as reduce her exports? Is not America designed for Americans? and are not Asia, Africa, and Australia sufficient for Great Britain?

Were she to relinquish her precarious hold on the provinces, and allow them

to enlarge their confederation in accordance with their true interests, she would atone for a multitude of errors.

ASPIRATIONS OF AMERICANS.

There can be no question that the great majority of Americans would rather see this continent occupied by one republic, "*una e libera*," than to have it hemmed in by a French empire at one end and a monarchy or viceroyalty of the British empire at the other. They appreciate the strength and the weakness of both of them.* But how do France and England differ? The one, after its futile "effort for the Latin race," gracefully withdraws and invites us to its great Exposition. It revives the traditions of its past friendship. It has sent no men-of-war to burn our ships or destroy our Capitol. It has sent no Clyde-built steamers to carry arms to our foes or break down our revenue. Indeed, no continental nation has done it. It has refused no claims for redress.

How is it with England? She bids us be silent while she consolidates the provinces into a military power; expends millions on military roads; plants, or proposes to plant, heavy cannon at Halifax and Victoria; or at Esquimaux Harbor, adjacent to Victoria; establishes free ports to undermine our revenue, and sends out cruisers to watch our coasts and fisheries. While France retires, she sends out fifteen veteran regiments. Can she wonder that we, under such circumstances, seek alliances with France and Russia, and forget the home of our fathers?†

ASPIRATIONS OF THE PROVINCES.

The provinces have long desired expansion. Their territory contracts as it runs easterly, and presents in a northern latitude a narrow front on the Atlantic. New England lies between Canada and the sea. A few years since, the "*Halifax Morning Journal*," an influential paper of Nova Scotia, presented a plan for annexation, from which we make the following extracts, viz: "In the much wished for event of a consolidation of the colonies, the possession of Maine is of vast importance; more, perhaps, than we have been wont to imagine. A glance at the map will show, that at present she destroys the symmetry of the proposed confederation. She stands like a wedge driven up to the but in a foreign country, and it gives rise to the idea that but a few more blows are needed to effect a complete separation of Canada and New Brunswick. Nor is it symmetry alone which demands the annexation of Maine; there are other reasons of far greater importance why this should, if possible, be effected, and which we propose to set plainly forth in this article.

"In the event of the Gulf States forming a southern confederation, an event which every day renders more probable, an effect will be made to exclude the northern States entirely from the carrying trade; and as the South can carry out a non-intercourse law, without loss to herself, but to the great detriment of the

* See Appendix, p. 101.

† The accession of the provinces would bring to us a vigorous and industrious population of four millions, at least twenty thousand efficient seamen, a vast extent of productive land sufficient for at least twenty-four States, extensive forests and fisheries, and nearly a million and a quarter tons of shipping; a railway, canal and telegraph system proportionate to our own. It would dispense with custom-houses and fortresses on a long frontier, enlarge the markets for our productions, and the supply of raw material. It would give increased profits and extension to our railway system, and enable us to exercise a proper control on our lines of telegraph to Asia and Europe. What is still more important, it would insure for the future pacific relations with the British empire.

Should it be urged that our domain will be too much extended, the reply is easy. Steam overcomes space and distance, and within five years the members of Congress from Oregon and California will reach the capital in less than half the time taken by the members from Boston and Savannah when our Constitution was adopted.

northern States, it is not at all improbable that she will seek this way to repay some of the wrongs the north has inflicted. This, to Maine, would prove particularly disastrous. Like the remainder of the northern States, Maine will have to suffer the inevitable depreciation of property consequent upon disunion, varying from 25 to 50 per cent. United to these colonies, her ships excluded from the ban, and with the field for fresh enterprise thus opened to her, property would regain its wonted figure, or even rise above it. Nor do the people of Maine require to have these facts urged upon them; they are fully alive and awake to their own interests, which clearly tend towards a union with the colonies."

We were then in the condition of "the sick man, and our estate was to be apportioned before our decease;" but Maine and California, at the two extremes, were alike true to the Union; neither had a taste for colonial dependence. The republic "still lives;" the south returns to its allegiance; half its young white men are gone, and loyalists of every hue outnumber the survivors.

The Nova Scotia plan did not take—it was premature. It is cited here merely to show the aspirations of the colonies, and as a precedent for this discussion, for it makes annexation a provincial measure. We can afford to be more generous and give to the provincial plan a shape more comprehensive, more statesmanlike, more consistent with the rights of all.

If England were to come forward to-day and say to her progeny on this side of the Atlantic: "Unite on equal terms; join hands. Go forward and reclaim the wilderness; open the vast interior of the continent, withheld from civilization by the iron hand of a colossal company; build ships, canals, and railways; open avenues across the continent; create homes for the destitute; provide farms for my Irish children that have left their turf cottages and narrow homesteads, and let me rejoice in your success and partake of a prosperity that will bring honor, as well as profit, to your ancient homes." Before such an adjuration all difficulties would vanish, and reciprocal relations might be at once established. After such an appeal, the United States might submit the following overtures: to admit each province into the Union, as a sovereign State, remitting all taxes made necessary by the war, except customs and duties on liquors, cotton, tobacco, banks, stamps, and licenses. To assume their government property and debts and equalize the debts by a provision for future improvement. To guarantee a railway from Lake Superior to the mouth of Frazer river, and ship canals from Lake Superior to the sea. To assume all liabilities for the Alabama and extinguish all claims of the Hudson Bay Company.

The remission of taxes may be easily made, for it is fair to presume that in two or three years' time, with interest and expenses falling to \$220,000,000 per annum, we shall find in those named ample means for the payment of interest and expenses, and the gradual extinction of our debt. While our country is precluded to-day from conceding the registry of ships and admission to the coasting trade to the provinces,* because it might build up on our borders a great maritime power, to be controlled by a foreign nation, with naval stations on our great routes of commerce; in case of a union, the ship-yards, foundries, seaports, and coal mines of the provinces would minister to our wants and participate in our commerce, and in that vast free trade which will pervade the continent within the pale of a moderate tariff.

But England may lose the golden opportunity to yield with grace what she cannot long retain, or retain at all, without disproportionate expense.

National pride may recoil from such concessions; private interest may predominate; lucrative contracts loom up in the distance, and the union, sure to come at last, may still appear in prospective only. Last year I ventured to suggest to the Treasury Department, in my report on reciprocity, that if England were to adjust our Alabama claims by a cession of her claims to western America.

* See letter as to coasting trade, Appendix, p. 104.

it might be a precedent for Austria to resign Venetia, and thus reduce the armies and expenses of Europe; but England gave no such precedent; Austria made no such resignation, and armed Italy was obliged to look to the north for an ally. Austria could have retired with prestige and honor, could have reduced her national debt, but she suffered the sword to be drawn; the Austrian empire was shaken to its centre; gold was wasted and Venetia ingloriously surrendered; and now the armies and expenditures of all Europe, inclusive of the British isles, are on the increase, while America, with her fleets on every sea, sends a squadron up the Baltic. Great Britain intervenes between America and the Baltic. She has few friends in Europe. With her immense commerce afloat, is it not her policy to make a British alliance more popular than a Russian or a French one, this side of the waters?

PETITION FROM BRITISH COLUMBIA.

While I still hold the pen, and as if to indorse the views I have taken, a petition comes in from Victoria for the admission of British Columbia into the Union.

The people of this region, many of whom are from the States, contrast the slow progress of the British territory with that of California and Oregon. At Victoria, they were first checked by the restrictions of the Hudson Bay Company. Escaping from their restrictions, they were again depressed by the enormous cost of the government given them by England, at least \$200,000 annually for 6,000 people—a government costing three times as much *per capita* as that of Great Britain itself. It lacked, too, a populous territory for the expansion of its commerce, and saw British Columbia depressed by exactions upon the shelter and transportation of its visitors, unknown in the gold districts of California.

I learn from most conclusive evidence that seven-eighths of the people of British Columbia wish it to be annexed to the United States. Two provinces have been consolidated into one, without satisfying either, and the question now presents itself, will Great Britain permit its colonies, who are induced by their position, interests and wants, to unite their fortunes with ours, to gratify their wishes? Is Great Britain in earnest when she professes a willingness to give them the freedom of choice? Her sincerity is soon to be tested.

A ZOLLVEREIN.

If a perfect union cannot be effected, the plan of a zollverein, presented by our Secretary of the Treasury, in his late able message, is a near approach to it, and offers to each country many advantages. It dispenses with custom-houses and frontier posts, diminishes the cost of collecting, much higher in Canada than in the United States, and promotes free trade between different nations within the pale of a single tariff. It is, however, a question whether Great Britain will consent to take her stand on a common footing with other European nations, and without her consent the plan must be postponed until the provinces emerge from a state of dependence.

A zollverein has been successful in Germany; why should it not be successful in America? Under its influence, and in part by its aid, the kingdoms, states, principalities and dukedoms of Germany have been reduced one-third, and are blending into one. Negotiations with Great Britain and the provinces must precede a zollverein.

NEGOTIATION.

Should we fail to secure a zollverein by negotiation, there is reason to believe a commercial treaty will eventually prove the most simple and effective mode to revive our commerce, and a year's reflection and frequent conferences with our merchants and with the leading men of the provinces convince me that a treaty can be made free from the defects of the former.

22 RECIPROCAL RELATIONS BETWEEN THE UNITED STATES

The great objection to the former treaty was the excess of imports over exports from Canada, and the lack of revenue from these imports ; but this did not apply to the maritime provinces, where our exports exceeded the imports, and part of the Canadian imports took this direction. The excess of imports is by no means a conclusive proof that trade does not benefit the country importing ; but the exclusion of its products from the country from which it imports is a check to its industry, and involves the loss of its return freight to its ships. The difficulty may be remedied by measures more beneficial to the country than the exclusion of imports, viz : by such salutary provisions as shall increase our own exports and enlarge the markets for our industry, and thus balance the account without a call for bonds or specie, and such should be our object. At the present moment, many of our duties are nearly or quite prohibitory : such, for instance, as the duties on potatoes, mackerel, herring, oats ; or ruinous to the trade, like those on wheat, flour, and cattle. The returns are still imperfect, but intelligent merchants state that, with the exception of barley and of timber, on which the price has risen and we are paying the duty, we are losing at least half our importation from the provinces, and a portion of our exports, in place of a progressive increase of fourfold in eleven years.

It is fortunate for the country that our tariff is flexible, and that we have the advantage of an able commission devoted to its revision ; and if high duties are to continue, this flexibility is valuable to the State, as it will permit future concessions. But can we rise from the study of this subject without the conviction that the ultimate and most effective remedy for all difficulties will be a new negotiation, and, as a basis for this negotiation, I would suggest a new principle, an important departure from the old treaty, the adoption of several distinct schedules.

The first, schedule A, limiting the duty on certain productions imported by either country from the other. The second, schedule B, giving a liberal free list for the productions imported from the provinces into the United States. The third, schedule C, giving an equivalent in a free list to the United States of productions exported from the provinces.

Schedule A to be confined to a few staple articles, which may be taxed by either country to a limited extent, and thus made sources of revenue ; and into this I would introduce the leading articles of coal, fish, boards, animals, potatoes, peas, beans, and barley. I entertain no doubt that moderate duties on these few imports will yield nearly or quite as large a return as we shall continue to draw from all our present duties on imports from the provinces.

Schedule B would contain most of the productions of the sea, mine, field, and forest exported by the provinces, and omitted in schedule A.

Schedule C would contain productions exported from the United States, and most of those articles which we produce and usually supply to those who toil in our ships, fields, mines, and forests, in exchange for their productions.

Schedule A would be based upon the idea that this country should impose such duties on a few leading imports in each department of industry as should equalize the condition of the producer on each side of the border ; and

Schedule C upon the idea that we should pay for our imports from Canada not in bonds or specie, which for the present we hope to accumulate at home, but by the products of our skill and industry in those channels which the provinces have not opened.

True reciprocity consists in admitting into each country those articles which the other country produces, and not in admitting to both, by a single schedule, those articles only in which but one of the countries has a surplus for exportation. In this respect a new treaty may be an improvement on the old.

In this connection I respectfully submit herewith to the Executive three schedules, which cover the chief products of each country, which will not seriously impair our revenue, and which, I have reason to believe, may, with few

modifications, be made acceptable to both countries and form the basis of an arrangement :

Schedule A.

	Duty.
Animals, viz., horses and mules, each	\$10 00
Cattle, each	5 00
Sheep, swine, and calves, each	50
Barley, per bushel	16
Peas and beans, per bushel	16
Rye and buckwheat, bushel	10
Potatoes, per bushel	4
Manganese, barytes, antimony, and slate	1 00
Lumber, pine plank and boards, clear and first class, per M	2 00
Lumber, spruce and all other kinds of plank and boards, per M	1 00
Square timber and joist of all kinds, per 100 cubic feet	1 00
Fish, viz., dried codfish and hake, per 100 pounds	50
Smoked salmon and halibut, per 100 pounds	1 00
Salmon, per barrel	2 00
Mackerel, per barrel	1 00
Shad, per barrel	1 00
Minerals, coal and shale, per ton	50
All other minerals, except salt	5 per cent.
Candles, per pound	10 per cent.
Bricks, per thousand	10 per cent.
Glue, per pound	10 per cent.
Glassware, per pound	10 per cent.
Leather, per pound	10 per cent.
Machinery, per pound	10 per cent.
Starch, per pound	10 per cent.

I would also recommend that the following articles, produced in either of the provinces, be admitted free :

PROVINCIAL FREE LIST.

Schedule B.—Apples, alewives, butter, books, berries, barrels, building stone, buffalo robes, clay, casks, castor oil, clapboards, eggs, fresh fish, flour, firewood, grindstones, headings, herrings, haddock, hay, hoops, hams, leather, laths, maple sugar and sirup, marble, marl, manures, meats, millstones, oil cake, pelts, poultry, phosphate of lime, plaster, pearlash, potash, petroleum, preserved shell fish, preserved fruit, plants, pitch, roots, rags, rosin, shrubs, shingles, shell fish, shooks, ship timber, staves, skins, sleighs, tails, tips, tar, trees, tallow, turpentine, wheat, wool for combing, vinegar.

And that the following productions of the United States be imported free into the provinces as equivalents :

Schedule C.—Apples, bacon, brushes, batting, butter, cars, carriages, cotton yarn, clocks, cheese, engravings, engines, furniture, flour, garden vegetables, glassware, hams, harnesses, horseshoes, Indian corn and meal, implements, ink, India-rubber goods, leather, laths, lard, music, musical instruments, maps, maple sugar and sirup, oats, pitch, petroleum, pins, pens, presses, palm leaf goods, rosin, sorghum sirup and sugar, spirits of turpentine, seeds, shooks, shingles, tar, tallow, tacks, types, tin-ware, turpentine, wheat, vehicles, wooden-ware, woollen yarn, wool, wadding, watches.

OBJECTIONS TO A TREATY.

It was my province to recommend last year a new negotiation, and that recommendation was met by serious objections, the force of which I have not been

able to discover. It has been urged that we should make no distinction between nations in our commerce; but we have no intercourse with any commercial nation in such close contiguity, and upon so long a frontier, or with which we conduct such a commerce, as we have with the provinces. It has been urged that a treaty was unconstitutional, because it superseded the power held by the House of Representatives to originate revenue bills. But a treaty ratified by the Senate is the supreme law, is paramount to the action of either branch of Congress. By the treaty power we have acquired States, such as Florida and Louisiana, and ceded portions of others, the Madawasca Territory and Vancouver's island south of 49 degrees, and the portion that includes the mines of Victoria. Ever since 1794 we have made commercial treaties with England, Holland, and other commercial countries which restrict the power to levy duties. The treaty suggested is designed not to levy, but to restrict the levy, of duties, and, like the provision that money bills shall originate in the House, is in favor of the people. It is too late to question the validity of such a treaty.

Again, it has been urged that a treaty may compel this country to admit dutiable articles free from other countries; but this is met by the separate schedules I suggest. I have placed in schedule B no articles whose admission from any country can seriously impair our revenue or production.

But it is urged that all that we require may be effected by reciprocal legislation; but this position is met by the signal failure of the efforts for such legislation made last year in our House of Representatives.

The committee submitted duties and concessions which they believed would tend to a favorable legislation in the provinces; but when the question came up as to the duties on fish and lumber, Maine took the field. The duty on soft coal was raised by eloquent appeals from districts of Maryland and Pennsylvania, while Vermont desired duties on wool, animals, and poultry.

It became apparent that the floor of the House was not the spot to frame a commercial treaty. The measures proposed still linger in the Senate, and, after they are consummated, will await the further action of the House, and the action and reaction of ten or twelve assemblies or legislative councils, where the legislation of to-day may be reversed to-morrow. But it may be urged that the treaty may restrain us from the levy of duties in case of war; but this may be met by allowing either party to terminate the treaty by a year's notice.

To perfect a commercial arrangement; to remove duties on anchorage and numerous charges for light-money, which build up provincial navigation at the cost of our own; to assimilate duties; to abolish free ports; to provide for patents and copyrights, requires negotiation, if it be but a prelude to reciprocal legislation, and successful negotiation, if not a treaty.

CONFEDERATION.

The necessary effect of the repeal of the treaty has been not only to break up the flourishing commerce between the States and the provinces, but to throw the trade of the latter into new channels and to give an impulse to new enterprises, adverse to our commerce. This tends to alienation and estrangement, rather than union.

Measures, too, are now in progress to establish a confederation of the provinces, which have received the sanction of Canada, Nova Scotia, and New Brunswick. Newfoundland and Prince Edward's Island still hesitate, and there is a powerful party in Nova Scotia, with the eloquent Mr. Howe at their head, who oppose the measure; and the delegates of several provinces, with their opponents arrayed against them, are now in London awaiting the action of Parliament.

A leading argument for the measure is the diversion of the supply of bread-stuffs and provisions to the maritime provinces from the United States to Can-

da. Another, the formation of a state strong enough to confront the United States. Another, the construction of a military road for the transfer of troops from Halifax to the lakes and *vice versa*. If a new state or viceroyalty is thus created without the full concurrence of all its parts it may not be permanent, or its sections are not harmonious. The natural laws of trade are not easily reversed, and the United States cannot be expected to favor a measure tending to build up a monarchy on its borders.

THE ACTUAL CONDITION OF THE QUESTION OF THE FISHERIES.

In my report of last year, a copy of which may be found in the Appendix, I gave a brief sketch of the progress of our deep-sea fisheries for cod and mackerel, which, in 1862, presented 3,815 vessels, 203,000 tons, 28,048 seamen, and gave an annual return estimated at \$14,000,000. Since 1862, under the pressure of war and taxes, there has been a very serious decline in vessels, tonnage, and seamen. The returns from the registry of our treasury exhibit the following results :

Date.	Tons in the cod fishery.	In the mackerel fishery.	Aggregate.
1862	122,863	80,596	203,459
1863	117,200	51,019	168,309
1864	103,742	55,494	159,236
1865	30,725	16,532	47,257
1866	42,796	46,589	89,385

The fisheries have great vitality, if not broken down by adverse legislation ; but at the moment when they were at their lowest point of depression, while Great Britain was remitting nearly every duty to her fisheries on the very coast of her provinces ; when France was paying a bounty of \$2 per quintal on her fish sent to our ports, we have repealed bounties, under which our trade has grown up for half a century, and Canada seizes this opportune moment to grant to her fisheries the bounty we resign. M. Pierre Fortin, at page fifty-one of his report this year published, says : “ We are to be set in motion only by the prospect of high bounties. To such an inducement we must have recourse if we require that our Canadian fishermen should undertake such a venture. Four dollars per ton are already awarded to Canadian ships engaged in the Gulf fisheries. If for a certain period we were to double that bounty, I believe we could attain the desired end ; that is to say, we should create a fleet of fine schooners, fitted out for the mackerel fishery.

“ We should require for this fishery light, clipper-built vessels, made after a particular plan. We should need to purchase from the United States the best models of mackerel-fishing schooners, after which our own builders would be able to construct vessels suitable for the purpose. We should, therefore, imitate the Americans in building our fishing vessels, as the artisans of some parts of Nova Scotia have already done. We Canadians ought to do likewise, and that, too, without losing a moment.”

The fisheries are essential to our commerce, to our navy, to our maritime power ; and while our neighbors and rivals are granting bounties and proposing to double them, and to copy our models, and while we have depleted the fisheries by draughts from our navy and discouraged them by oppressive taxes and required them to pay half a dollar per ton for British licenses, we repeal the bounties and content ourselves with remitting a single tax on salt, to our hardy and adventurous men. Have we nothing to learn from the policy of rival nations ?

It is to be hoped that there is some error in our last returns. The census of Massachusetts for 1865, which has been recently published, and gives the annual productions of the State as \$517,240,612, presents the following picture of the fisheries of the State. It is the more satisfactory as Massachusetts has annually fitted out less than half the tonnage engaged in the cod and mackerel fisheries:

Census return of Massachusetts for 1865.

	Tonnage.	Quintals of cod.	Barrels of mackerel.	Returns.
In whale fishery	70,420	.....	.....	\$3,613,600
In cod and mackerel fishery.....	117,146	384,165	253,000	4,522,210

These last results indicate a large return in the cod and mackerel fisheries of the nation.

If to the returns of Massachusetts we add those of the other States of New England, the returns from the cod and mackerel fisheries for 1865 must exceed \$12,000,000; in itself an important branch of commerce, still more important in its bearing on the maritime power of the State.

Just before the treaty of reciprocity, unprecedented claims were made, as to the fisheries, by some of the colonies. Cape Breton was annexed to Nova Scotia, and counties laid out across the straits of Canso, and our right to pass through was questioned, a right we have enjoyed for more than a century, and to which our title was as clear as it is to pass Gibraltar or Elsinour. Vessels were seized also for fishing in the great arms of the sea, known as the bays of Fundy and Chaleur, although one side of the former bay borders for sixty miles or more on the coast of Maine, and our fishermen have resorted to the other for nearly a century.

Such claims, however, were set at rest by a decision of the late Joshua Bates, of the celebrated banking-house of Baring Brothers & Co., of London, of which Lord Ashburton was formerly a distinguished member. A claim was made by American subjects on the British government, before the Hon. N. G. Upham and Edmund Hornby, the commissioners appointed under the convention of Great Britain with the United States, of February 8, 1853, for the adjustment of claims of citizens of the United States against the British government. The claim adjudicated was for the schooner *Washington*, seized by a British cruiser, and condemned at Yarmouth, Nova Scotia, for fishing in the bay of Fundy. And in this case damages were demanded on the ground that the seizure was made more than three miles from the shore or coast, and in violation of the provisions of the treaty as to the fisheries of October 20, 1818, and of the law of nations. Judge Upham having given an elaborate opinion in favor of the claim, and Mr. Hornby dissenting, the case was submitted to Mr. Bates, the umpire under the treaty, who sustained Judge Upham, and decided that the bay of Fundy was not a bay within the meaning of the word as used in the treaties of 1783 and 1818; that the terms of the treaty do not apply to bays more than ten miles wide at their outlet, and awarded damages.

This decision, after argument, fully sustains the views of the United States and is final and conclusive.

I have appended to this report copies of this judgment, which were transmitted to the Senate by the President August 11, 1856, as they put at rest pretensions alike unreasonable and unfounded.*

In connection with this, I have also appended the copy of a letter from Judge Jackson, our very useful and intelligent consul at Halifax, which contains as

* See Appendix, p. 79.

extract from the laws of Great Britain, prohibiting us and any foreign nation to pursue the coasting trade between the ports of either province. I deem this to be more important, as the contrary has been asserted in public by a gentleman of high standing in the provinces. The single question which now remains as to the fisheries in the gulf of St. Lawrence and on the shores of the provinces relates to the mackerel fishery on those waters, which is followed by one-fourth to one-third of our fishing fleet. And this question relates to crossing the line of three miles from the coast or shores, within which our vessels are forbidden to fish, by the treaty of October, 1818. It is rarely, if ever, that any American vessel visits those waters with the intention of crossing this line to fish; but it occasionally happens that immense schools of mackerel, for which our vessels have waited for weeks, regardless of treaty lines, and often when taking the hook cross the lines in question, and our vessels, in the ardor of the chase, are liable to cross with them, or may lose their fares for the season if they desist from the pursuit. Nor is it easy to determine at such periods the precise distance from the land; and in my report last year,* I suggested that seizure and confiscation were punishments too severe for such transgressions, often unintentional, and were not warranted by the law of nations or by modern civilization, and could not be sustained.

To impose such forfeitures would be like forfeiting the horse and saddle for crossing a hedge in the chase. I took the ground also that such seizures would necessarily be followed by collisions, and would not be assented to by our government.

This report was transmitted to the British ministry in February, 1866, and elicited a semi-official article in the "Morning Post," just before the treaty expired, taking strong ground against seizures and confiscations; extracts from which are also annexed for the information of government.†

Overtures were soon after made for the establishment of a license system, under which our fishermen pay half a dollar per ton for the privilege of crossing the three-mile line and fishing within it, at any season of the year. This system is preferable to seizures; but it involves a tribute, which our bold and enterprising fishermen pay with reluctance for rights won by the intrepidity of their ancestors.

They are averse to being boarded by British vessels, and may sometimes decline to take licenses, in the hope to make their fares without crossing the line. It was stated in the provinces that the British cruisers were very vigilant the past season, and boarded 2,400 American fishing vessels.

As not more than 600 to 800 visited these waters, although M. Fortin rates the number higher, this would involve three or four visits to each vessel. Visits of this character led in former days to the war of 1812, and may lead hereafter to serious difficulties. The cost of licenses, although a trifle to the nation, is a considerable charge upon men who are competing under heavy taxes against French and Canadian fishermen, aided by large bounties and every encouragement. I would, therefore, respectfully advise the government to assume and capitalize, if possible, the payment for these licenses, as it once assumed and paid for the Sound duties in the Baltic, and thus to relieve a most valuable and meritorious class of citizens.

I further recommend the remission of duties that tend to repress commercial enterprise.

COMMERCE OF THE COUNTRY.

It is my duty in closing this report to draw the attention of government to the depressed state of our navigation. Many vessels, not provided with convoys or protected by our cruisers, were transferred to the neutral flag during the war;

* See Appendix p. 60. † See Appendix p. 77.

some have been sold, others still run under foreign registers on American account. The cost of ship-building has been enhanced by war duties and taxes on iron, timber, spikes, nails, sails, cordage, and anchors to such an extent that vessels of the same quality may be built in the provinces for twenty-five per cent. less in gold than in our ship-yards. A few years since it was shown that the cost of a ton of iron, fabricated in this country, was increased \$15 per ton by internal taxes. It has been the wise policy of Congress to remove most of these charges, but there must be some adaptation of our custom-house charges to this change before the benefit reaches the shipwright, and before we can compete successfully with the ship-owners abroad.

While manufactures and internal commerce receive their due share of attention from our government, is there not danger that commercial enterprise abroad, checked by foreign cruisers during the war and attracted to other channels, may be overlooked or forgotten, to the great injury of the nation?

Commerce liberalizes the mind, breaks down obstacles, extends knowledge, promotes civilization, increases the wealth of nations, and gives them maritime power.

I would respectfully recommend a remission of duties to the extent of eight dollars per ton on all sea-going vessels built in our ship-yards during the continuance of high duties.

I have appended to this document many valuable tables, for which I am indebted to the courtesy of the officials in all the provinces this side of the Sierra Nevada, and have the honor to be, very respectfully,

E. H. DERBY.

APPENDIX.

PRELIMINARY REPORT ON THE TREATY OF RECIPROCITY WITH GREAT BRITAIN, TO REGULATE THE TRADE BETWEEN THE UNITED STATES AND THE PROVINCES OF BRITISH NORTH AMERICA. PREPARED BY E. DERBY, AT THE REQUEST OF THE SECRETARY OF THE TREASURY OF THE UNITED STATES.

The Hon. Hugh M'ulloch, Secretary of the Treasury:

In conformity to your wishes I have devoted much time to the reciprocity question, and respectfully submit the results.

The subject is one which has important relations both to the foreign policy of the country and to the fisheries, commerce, customs, and internal revenue, committed to your care, and the termination or renewal of the treaty must affect the report of the commissioners appointed under the recent Act of Congress to revise the revenue system.

It is, therefore, important to determine if there is an exigency for a new treaty; and if there is, what modifications are required to adapt it to the present state of our finances, and what changes are necessary to supply any defects disclosed by the light of our experience for the ten years of its continuance. A treaty under which our commerce with the provinces has increased threefold, or from \$17,000,000 in 1852 to \$68,000,000 in 1864, is not to be abandoned, or the amity which now exists between contiguous nations of the same kind is to be endangered, without careful investigation and conclusive reasons.

For half a century, from 1776 down to 1830, it was the policy of the mother country to restrain the United States from a free commerce with the provinces, though often urged by us to free the provincial trade from its restraints. At times the trade with the provinces was entirely interdicted; at others, gypsum and grindstones could be obtained upon the frontier at Eastport and Lubec only by an evasion of the law.

In 1830, under the McLean arrangement, trade was resumed under heavy duties and restraints. Down to this period we knew Québec as the chief fortress and Halifax as the chief naval station of the British empire upon our side of the ocean, rather than as marts of commerce, and there was little fellowship between us and the provincials, many of whom were descended from the loyalists who followed the British troops from our shores.

Asperity of feeling gradually wore away after the resumption of trade. And in 1844 Great Britain, having acquired an ascendancy in the arts and in capital, and set in motion her steam-power—which Mr. Howe, of Nova Scotia, in his recent speech at Detroit, considers equal to the force of 800,000,000 of men—became an advocate of free trade, so far as it applies to the importation of raw materials and the exportation of manufactures. Having reached a high point in the cultivation of her soil, she desired to increase her supplies of breadstuffs, and thus cheapen skill and labor, and aimed to furnish all nations with her numerous manufactures fashioned from their rude materials by the force she had armed into life, which toiled for her without fee or reward.

To accomplish this object she was obliged to repeal many protective duties, and to admit wheat and provisions and varied productions of foreign lands in competition with those from her colonies.

Her colonies were exasperated, and it soon appeared that she could not retain their allegiance without providing for them new markets and giving a new stimulus to their navigation and fisheries. She became solicitous also to carry her principle of free trade into the United States, and make a treaty with the colonies an entering wedge for new commercial undertakings.

Canada has thus far relied upon her vast rafts of timber floated down the St. Lawrence to Quebec and her ships built for sale at Liverpool and Glasgow for exports, and she saw with dismay the pine and fir of Norway supersede her timber and the iron steamship displace the ships and steamers she was building at Quebec.

She began to seek a new avenue to the sea through New York and New England, and new markets in our growing cities and villages for the products of her agriculture.

Nova Scotia, with forests and fisheries at her gates and beds of coal and gypsum bordering on the sea, desired free access to our great seaports to dispose of her fish and coal and give employment to her seamen.

The British Isles and the colonies continued to press for reciprocity. They found the United States engaged in the development of their agriculture and manufactures, with progressive navigation, and not prepared for so important a change; but the provinces were urgent; they were able to show the patronage they would give to railways and manufactures. Articles were written for magazines and active agents retained, but the lever with which they moved the United States was a combination against her fisheries—the cod, herring, and mackerel fisheries of the United States.*

The English who first came to our shores embarked in the fisheries, and our pilgrim fathers, within three years after they landed, established fishing stations at Cape Ann. More than twenty sail of fishing vessels were annually on our coasts two hundred and forty years since, and before the Revolution the men of Massachusetts are reported by Burke as extending their voyages to the Arctic and Antarctic seas.

They followed the cod, herring, and mackerel to the coasts of Cape Breton, Nova Scotia, and Newfoundland.

The fishing towns were surrounded by flakes on which they dried their spoil, and in winter they transported it on their small craft to Spain, the Carolinas, and the West Indies. The hardy fishermen, with the son of a fisherman (Sir W. Pepperell) at their head, conducted the siege of Louisburg, where they captured a fortress which had cost five millions of dollars and was defended by 200 cannon.

In the Revolution they manned the navy of the Union and contributed to the success of our country by raising the rate of insurance on British vessels to fifty per cent.,† and, as Curwen states in his memoir, in two years captured 733 ships and property worth \$25,000,000.

They fought both by sea and land, and General Knox, the chief of our artillery in 1777, does them justice. "I wish," he said in his address to the legislature of which he was a member, "that you could have heard Washington on that stormy night, when the floating masses of ice in the Delaware threatened to defeat his enterprise, demand, 'Who will lead us on?' and seen the men of Marblehead, and Marblehead alone, stand forward to lead the army along the perilous path to unfading glories and honors in the achievements of Trenton. There went the fishermen of Marblehead, alike at home on land or water, alike ardent, patriotic, and unflinching, wherever they unfurled the flag of their country."

* The history of these fisheries is well given by Hon. L. Sabine, in his able report, to which I am indebted for valuable facts and suggestions.

† It was again raised to the same rate in the war of 1812.

In 1772 the voters of Marblehead were 1,203. In 1780 but 544 voters remained. The residue were represented by 458 widows and 966 orphans. The orphans of Marblehead subsequently manned the Constitution and other vessels in the war of 1812. At the conferences at Paris, which preceded the treaty of 1783, John Adams insisted on our right to the fisheries, although Congress was willing to resign them.

If use and possession give right," he said to the commissioners, "we have as good a right as you. If war, blood, and treasure give a right, ours is as good as yours. We," continued he in the same eloquent strain, "have constantly been fighting in Canada, Cape Breton, and Nova Scotia for the defence of this country, and have expended beyond all proportion more than you. If, then, the right cannot be denied, why should it not be acknowledged and put out of dispute? Why should we leave room for illiterate fishermen to wrangle and chaffer?" John Adams made the right an ultimatum, and it was recognized to its extent in the treaty of 1783; we were entitled by it to fish wherever the people of the country had fished before.

With the close of the war our fisheries revived, and in 1804 the export of fish rose to 567,800 quintals; their value to \$2,400,000. The export of cod fish to 89,482 barrels; their value to \$640,000.

Our rights in the fisheries were not abrogated by the war of 1812; they were not resigned, but revived with the treaty in 1814.

The commissioners who negotiated this treaty state that their instructions made them to suffer our right to the fisheries to be brought in question. They observe:

We contended that the whole treaty of 1783 must be considered one entire permanent compact, not liable, like ordinary treaties, to be abrogated by a subsequent war, by the parties to it, as an instrument recognizing the rights and liberties enjoyed by the people of the United States as an independent nation, containing the terms and conditions on which the two parties to one another had mutually agreed henceforth to constitute two distinct and separate nations, the people of the United States reserving the right of fishing and drying and curing fish previously enjoyed, and this reservation was agreed to by the other contracting party. This was not forfeited by the war, and no new recognition was required. We stated this principle to the British plenipotentiaries, in the note we sent them, with our project of the treaty, and no reply or note of our commissioners was made, and the treaty was silent as to the fisheries."

While this treaty of peace was pending the venerable John Adams wrote to President Monroe:

I would continue this war forever rather than surrender one acre of our territory, one iota of our fisheries, as established by the 3d article of the treaty of 1783."

On the 20th of October, 1818, a convention was entered into with Great Britain by Messrs. Gallatin and Rush, to obtain a recognition of the right of fishing on the coasts of Newfoundland, which they secured, with the privilege of drying the bays, creeks and harbors of the provinces, for shelter and repairs. The commissioners, by this convention, renounced, for the United States, the right to take or cure fish within three miles of "the coasts, bays, harbors and creeks of the provinces," (except Newfoundland and Labrador and the adjacent isles,) but reserved the right to enter them for shelter and repairs.

Upon the day on which they signed the convention, they wrote to J. Q. Adams, our Secretary of State, that this clause was introduced and insisted on by them to prevent any implication that the fisheries were secured to us by a new treaty, and to show that our renunciation extended only three miles from the coast. For twenty-three years after the convention, down to 1841, but one construction was given to this convention by both parties and the fishermen, viz: that

by "bays" were meant the small bays to which the fishermen resorted for shelter and repairs; but in 1841, after this conclusive acquiescence, the colonists gave a new construction to "bays," and insisted that the convention precluded the fishermen of the United States from entering the bay of Fundy, a gulf sixty miles wide, the great bay of Chaleurs, and the strait of Canso, through which our fishermen had pursued their voyages for more than a century, and through which a British admiral, in 1839, saw a fleet of 600 sail of our fishermen pass without molestation.

When Great Britain and the provinces became solicitous, in 1845, for such a treaty as they had previously declined, and after we had permitted them to import fish at a moderate duty, and to enter it in bond for exportation, they seized with avidity this new construction. The province of Nova Scotia passed acts confiscating our vessels if they passed the line drawn three miles from the coast, and exonerating the officers from damages for detention, if the judge should find any probable cause for seizure.

Cape Breton was annexed to Nova Scotia, and after the union the legislature laid out counties across the strait of Canso, to bridle a great avenue of commerce.

Ships of war were sent out year by year to watch our vessels, and in 1852 Great Britain, Canada, Nova Scotia, and New Brunswick fitted out and sent to the fishing grounds no less than eighteen armed vessels to watch and arrest our fishermen, whose trade was thus injured to the extent of millions.

The aid of Messrs. Stevenson, Everett, and Lawrence, at London, was invoked, but the Nova Scotians, including some eminent men now in favor of the treaty, insisted upon their new construction, and the crown lawyers were led to give an opinion in their favor.

This opinion, it appears to me, is entirely untenable. It was not given with much care or deliberation, as the counsel base their opinion upon the term "headlands," which they cite as found in the convention, where the word does not occur.

As it had no existence there, the decisions based on it should be revised. The great bay of Fundy also has but one headland on British territory, and borders for many miles on the coast of Maine. The term bays is, by the language of the act, limited to bays of shelter and suitable for repairs, and to take wood and water, by the words that follow; and the great bays or gulfs of Fundy and Chaleurs, and other bays exceeding six miles in width at their outlets, are unsuitable for the purpose, and consequently excluded.

An acquiescence for twenty-three years, and contemporaneous exposition by those who drew the treaty, are also conclusive, and the ministers of Great Britain were driven by Mr. Everett to abandon their pretensions to the bay of Fundy, and if not deterred by Nova Scotia, would have restricted the law to bays less than six miles wide at their outlet, having once come to that determination.* But the provinces were not easily quieted; a collision was imminent, and our government, yielding to the pressure, became parties to a treaty; and its abrogation will revive the questions of 1845 to 1852 as to our rights in the fisheries. During the interval between 1845 and 1852 complaints were made by the colonists of the aggressions of our fishermen, of nets displaced on the coasts and in

* Our rights to the great bays of Fundy and Chaleurs are recognized by the umpire under the treaty of 1854, in determining the validity of a seizure made prior to the treaty and as early as 1843. His decision was that the bay of Fundy was not a British bay, nor a bay within the meaning of the words bays in the treaties of 1783 and 1818.

The decision is cited by Wheaton, page 326, and is mentioned by Hautesfouille on Rights of Neutral Nations, vol. 1, page 89, cited by Wheaton. Our right to fish in the gulf of St. Lawrence, and in all other places in the sea where the inhabitants of both countries (the United States and Great Britain) used at any time heretofore to fish, was conceded by the British government through Lord Bathurst in 1815. American State Papers, vol. 4, part 352. Our right to navigate the strait of Canso is asserted by Wheaton, page 328.

the strait of Canso, and of daily trespasses, but since they obtained access to our home markets on terms of perfect equality, and since they recognized the right of our fishermen to frequent all their shores, the cessation of complaints furnishes a strong presumption that the fishermen were harmless and innocuous before the adoption of the treaty.

RECIPROCITY TREATY.

This treaty made by Lord Elgin and W. L. Marcy, July 5, 1854, to take effect when ratified by Great Britain, the United States and the provinces, provides :

ARTICLES 1 and 2. That the fishermen of the United States shall, during the continuance of the treaty, have the right to take fish, of all kinds except shellfish, in common with British subjects, at any distance from the shore on the coasts and on the bays, harbors and creeks of Canada, New Brunswick, Nova Scotia and Prince Edward's Island, with liberty to land and cure fish on all those shores, and on the Magdalen island, without interfering with private rights and property of British subjects. These rights do not extend to the river fisheries.

Similar rights are granted to British fishermen on our shores and coasts north of latitude 36°. The act provides also for appointment of a commissioner by each party to determine what rights are reserved to individuals and to settle all differences.

ART. 3 provides that the articles enumerated in the schedule below, the growth and produce of said colonies or of the United States, shall be admitted into each country respectively, free of duty.

Schedule.—Grain, flour and breadstuffs ; animals of all kinds ; ashes ; fresh, smoked and salted meats ; timber and lumber of all kinds, round, hewed and sawed and unmanufactured ; cotton, wool, seeds and vegetables ; undried fruits, dried fruit ; fish of all kinds ; products of fish and all the creatures living in the water ; poultry ; eggs ; hides, furs, skins or tails undressed ; stone or marble in its crude or unwrought state ; slate ; butter, cheese, tallow ; ores of metals of all kinds ; coal ; unmanufactured tobacco ; pitch, tar, turpentine ; firewood ; plants, shrubs, trees ; pelts ; wool ; fish oil ; rice and broom-corn ; barks ; gypsum, ground and unground ; wrought or unwrought burr and grindstones ; rye-stuffs ; flax, hemp and tow unmanufactured ; rags.

ART. 4 secures to the citizens of the United States the right to the free navigation of the St. Lawrence and British canals with vessels and boats, and to British subjects the right to navigate Lake Michigan, and the United States agree to urge their State governments to allow British subjects to use their canals ; ordinary tolls to be paid in both cases. The British government reserves a right to suspend navigation, but in such case the government of the United States may suspend the third article. This article also provides that no export duty shall be put on timber of citizens of the United States, descending the river St. John and its tributaries, destined for the United States.

ART. 5, 6 and 7 provide for the extension of the provisions to Newfoundland, if laws shall be passed by contracting parties and Newfoundland to that effect.

The first article of this treaty is important in its bearing on the fisheries. Notwithstanding the alleged trespasses of our fishermen when restricted to the distance of three miles from the coasts, bays and harbors, and their repeated seizure, they are by this treaty allowed to frequent and approach, without regard to distance, all the shores of four provinces, and to land and cure their fish there with the consent of the private owners, and are thus restored to the rights claimed under the treaty of 1783.

Although our commissioners in 1818 had relinquished the right to come within

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a marine league of all the shores but those of Labrador and Newfoundland, except for repairs and shelter, our rights deemed inadmissible were thus conceded.

In exchange for this a similar right to approach our shores was also granted, which, although rarely used, may at times be valuable as the shoals of mackerel usually strike our coasts early in the season and before they reach the provinces. And at times the mackerel are pursued both in the spring and autumn on our coasts and more successfully taken than on those of the provinces.

NAVIGATION OF THE ST. LAWRENCE.

Less than two thousand tons of our shipping on the average have thus far annually passed down the St. Lawrence from the lakes to the ocean.

It is a valuable outlet for our cereals, but its importance must depend in a great measure upon the enlargement of the canals and increase of their depth to twelve to fifteen feet to suit a class of vessels adapted to the navigation of the ocean.

The most important article of the treaty is the third, which defines the free list, and its chief importance to us lies in its free admission of all the products of colonial fisheries, agriculture, forests and mines into our country.

To illustrate the value and effects of this provision, I submit a tabular statement of the imports from the above provinces into the United States, and the exports to them from the United States for a series of years preceding and following the adoption of the treaty, which did not take full effect until 1855 from delay of its ratification.

Exports and imports from United States to British North American provinces, exclusive of those on the Pacific, from July, 1851, to July, 1862.

[From official reports of the United States.]

Date.	Exports from United States.			Imports into United States.
	Foreign.	Domestic.	Total exports.	
1852	\$3,853,919 00	\$6,655,097 00	\$10,509,016 00	\$5,110,290 00
1853	5,736,555 00	7,404,087 00	13,140,642 00	7,550,710 00
1854	9,362,716 00	15,204,144 00	24,566,860 00	8,929,569 00
1855	11,999,378 00	15,306,642 00	27,306,020 00	15,136,734 00
1856	6,314,632 00	22,714,697 00	29,029,340 00	21,319,420 00
1857	4,326,369 00	19,936,113 00	24,262,482 00	22,129,296 00
1858	4,012,768 00	19,638,959 00	23,651,727 00	15,806,519 00
1859	6,622,473 00	17,029,254 00	23,651,727 00	19,727,551 00
1860	4,038,899 00	18,667,429 00	22,706,328 00	23,551,350 00
1861	3,861,098 00	18,823,715 00	22,684,813 00	23,062,933 00
1862	2,427,103 00	18,652,012 00	21,079,115 00	19,299,906 00

In our commerce with the provinces our annual exports and imports rose from \$2,100,000 in 1828 to \$3,800,000 in 1832; \$8,100,000 in 1840; \$9,300,000 in 1846; \$18,700,000 in 1851; \$50,300,000 in 1856; and fell to \$40,400,000 in 1862.

Since 1862 there has been a recovery; the aggregate of imports and exports in the commerce with the provinces having risen in 1865 to \$68,000,000, under large importations from Canada.

From the tables you will notice that the trade was in its infancy down to 1829, just before the time when Mr. McLean made an arrangement for free ports and the removal of some of the restraints on commerce, and that the growth was rapid, more than 20 per cent. per annum, in the four years from 1828 to 1832.

That the advance was still rapid or 14 per cent. per annum down to 1840. That the movement then continued slow down to 1846, when goods came in more freely, and fish and flour were admitted under bond for exportation.

During this period the growth was less than $2\frac{1}{2}$ per cent. a year. But with new privileges and the prospect of reciprocity the trade gained for the next five years 20 per cent. annually, and rose in five years more, at the rate of 27 per cent. per annum, to \$50,300,000 in 1856, and, strange as it may appear, declined 25 per cent., or more than 4 per cent. per annum, down to 1862, the eighth year of reciprocity, when it receded to \$40,300,000, showing a loss of \$10,000,000.

This decline was confined to the Canadian commerce. It becomes an important inquiry what measures caused this great decline, and upon further investigation we discover that the decline was in our exports to Canada, which fell from 1856, when they were \$20,883,241, to 1862 when such exports were but \$12,842,506. The reduction was, in round numbers, a reduction of eight millions in exports, accompanied by a reduction of two millions in importations. It is my duty also to draw your attention to another fact shown by these exhibits, and still more forcibly by the returns of Canadian trade, that prior to the reciprocity treaty, which took effect, as we have suggested, in 1855, our exports to the provinces usually exceeded our imports, but in 1860 this was reversed, and since that period imports have exceeded our exports in commerce with the provinces.

Our trade with Canada may be illustrated by a brief tabular statement of exports and imports.

Exports from the United States to Canada, and imports from Canada.

[Taken from the official tables of the United States.]

Date.		Exports to Canada.	Imports from Canada.
Before treaty.	1850.....	\$5, 390, 821 00	\$4, 285, 470 00
	1851.....	7, 929, 140 00	4, 956, 471 00
	1853.....	7, 829, 090 00	5, 278, 116 00
Since treaty.	1856.....	20, 883, 241 00	17, 488, 197 00
	1857.....	16, 574, 895 00	18, 291, 834 00
	1861.....	14, 361, 858 00	18, 645, 457 00
	1862.....	12, 842, 504 00	15, 253, 152 00
	1863.....	19, 898, 718 00	18, 816, 999 00
	1864.....	16, 658, 429 00	30, 974, 118 00
	1865.....	18, 306, 497 00	30, 547, 267 00

Of the above exports there were of 1861, specie, \$863,308; 1862, \$2,530,297; 1863, \$4,652,679; 1864, \$2,300,000.

The excess of imports into the United States over exports to Canada since 1860, deduced from the above tables and from the report of the minister of finance in August last, has been more than \$30,000,000. The Canadian tables differ somewhat from our official tables.

In considering the remarkable change which has taken place in the course of our trade with Canada, I shall endeavor to guard against the danger of attaching any undue importance to the ancient theory of the balance of trade.

It may safely be conceded that the excess of imports over exports is not in all cases conclusive proof that commerce is unprofitable. The commerce of Great Britain for a series of years has shown a large excess of imports over exports, accompanied by an excess of arrivals over shipments of specie, and great progress in national wealth.

Her exports and imports have been as follows:

Date.	Exports.	Imports.
1858	£139,782,000	£165,563,000
1859	155,692,000	179,122,000
1860	164,521,000	210,530,000
1861	159,632,000	217,485,000
1862	167,189,000	226,592,000

The excess of imports may spring from the use of capital abroad, from freights and profits, in which case the excess of imports indicates addition to wealth, and not accumulating debt.

A change in the balance of trade might not alone warrant the abrogation of a treaty, but it does warrant investigation. We may concede, safely, that a treaty of reciprocity, which adjusts the quarrels of nations and does equal justice to each, is most desirable for the country, and at the same time point out omissions and objectionable features in a treaty we have abrogated, with a view to one more perfect and comprehensive.

There were, and are, various objections to the treaty about to expire.

1st. While it quieted strife and restored the rights secured by the treaty of 1783 to our fisheries, from which spring the seamen to man our navy—the mates, masters, and intrepid merchants who have guided our keels to the very confines of the earth—it gave to the maritime provinces our home market, and the incentive to improve the fisheries at their doors, for the pursuit of which they have advantages which were counterbalanced by our intelligence and home markets alone.

We should make the fisheries accessory to our own progress, not to that of Great Britain. If the maritime provinces would join us spontaneously to-day—sterile as they may be in soil, under a sky of steel—still, with their hardy population, their harbors, fisheries, and seamen, they would greatly improve and strengthen our position and aid us in our struggle for equality upon the ocean.

If we would succeed upon the deep, we must either maintain our fisheries or absorb the provinces. In 1863, the tonnage of Great Britain and her colonies was 6,041,358; ours 4,986,397. The disparity is now greater.

For our great home market for her cod and mackerel, her whale oil, whale-bone and seal oil, and the impulse it gives to the provincial fisheries and navigation of Great Britain, have we thus far sufficient equivalents?

Another feature in the treaty is, the impulse it gives to the coal mines of Nova Scotia and Cape Breton. The shipment of coal from these provinces to the United States has increased from 220,000 tons in 1863, to at least 400,000 tons in 1865.

This is doubtless very acceptable to our commercial cities on the coast; but it comes free from duty to compete with the black diamonds from our mines, which contribute to the expenses of the war—virtually it comes with a bounty against our own productions. The revenue thus suffers, and the foreign miner realizes the profits. If a new treaty be made, some equivalent should be given for this, or a moderate tax may be imposed for the benefit of the treasury. We are not, however, to forget that we already export from 105,000 to 171,000 tons of coal to Canada, a part of which ascends the Hudson and reaches Montreal, while a part crosses Erie and Ontario, into Canada West. Again, we permitted the provinces, at the moment Great Britain was importing the pine of Norway, and they were losing the market for a third or half of their timber, to send it here and enter the home market, on equal terms with our own lumbermen. The lumber, as well as the products of the fisheries, flow from the provinces to the markets of the Union, and there is little or no reciprocity on

these articles. The provinces require little of our fish or our lumber. If we make undue concessions, Howe, the organ of Nova Scotia, at our Detroit convention, may well compare us and the provinces "to the triune trefoil," which hangs from the stem of Great Britain.

If lumber were not free to-day, a duty of five per cent. on our own lumber, and of ten per cent. on that of the provinces, would doubtless place five millions in our national coffers; but the insertion of lumber on our free list deprives us of this revenue, while it enhances the value of Canadian forests.

It is doubtless true that freedom from duties enables Canada to send through New York and Maine wheat and flour for foreign shipment, and enables the West to send to Montreal a portion of its surplus, to reach an outlet for Europe, at Montreal. This interchange is doubtless beneficial to all parties, but this transit trade gives but little stimulus to production. The commerce which terminates in consumption in Canada, consists of the shipment to her of a moderate amount of corn and red wheat, with some coal and salt, and a less amount of our coarser products, provisions and imported goods.

While Canada sends to us for consumption her animals and products of the forest and of agriculture, she buys but little, if any, more of our manufactures than she did before the treaty—although, in the last twelve years, she has added two-fifths to her population, and nearly doubled her productions and consumption. There are important deficiencies in the free list, to which it is my duty to call your attention, which should be borne in mind upon revision of the treaty :

SALT.

The treaty is silent upon the subject of salt. This is an important production, both of New York and Michigan.

It is produced near the lakes, and may be easily transported to the section of Canada bordering upon the lakes, and is as appropriate for the free list as slate, marble, gypsum, or ashes. It is a production of the soil, and essential to our animal life. It is singular that it was omitted.*

MAPLE AND SORGHUM SIRUP.

These also are products of the forest and agriculture, and come within the spirit of the treaty, and should be included. Sorghum does not flourish in Canada, but is extensively cultivated at the west.

TOOLS AND IMPLEMENTS.

The treaty includes in its schedule the millstone and the grindstone, both implements, the one to sharpen the axe, the other to manufacture wheat into flour. These are produced in the provinces; but the treaty is silent with respect to other tools—the axe, the plough, the shovel, and the reaper, which are fashioned by the artisans of New England and the West. The laws of Canada and some of the other provinces are so deficient in reciprocity that no patent can be taken there by a citizen of the Union. The Canadian minister of finance concedes that tools, implements and machinery, and books, should be included.

He concedes patents also. If a new treaty be made let it also provide for a patent law, and for copyrights, to do justice to inventors and authors, and let it also contain a provision that all tools, implements, and machinery be added to the free list. It would be desirable also to include in this list our manufactures of leather, tin, copper, castings, pins, buttons, types, utensils, carriages, furniture, and other articles. I would also suggest that while it is desirable for both parties to except from the schedule the articles of spirit, tobacco, sugar, molasses, and costly fabrics of silk, flax, and wool, as important sources of reve-

* Canada now admits salt without duty, although omitted in the free list.

nue; and while it is desirable to withdraw coal, lumber, and barley, and the products of the fisheries, from the free list, it may be politic to provide that these last products of each country and all others, not specifically excepted, shall be subject to duties, not exceeding fifteen per cent., or to duties as low as those of Canada before the reciprocity treaty.

There are gentlemen of intelligence, and possibly some statesmen, who think it will be politic to allow the treaty to expire without any efforts or arrangements for a renewal; who predict that in such case the provinces will range themselves under our banner, and seek admission into the Union. This accession would doubtless be beneficial; it would bring to the Union a white population, which will in 1868, possibly before the measure could be consummated, reach four millions.

It would bring to us two thousand miles of railways, and vast forests and mines, and fisheries and mariners, and nearly two-thirds of a million tons of shipping; but will this accession be secured by the loss of the treaty? Is there not danger that the termination of the treaty will result in mercantile losses, strife and alienation?*

Peace and a prosperous commerce create friendship, and tend to alliance; and will it not be wise to make a fair treaty, one of equivalents; to impose moderate duties for revenue on *fish, coal, lumber*, the chief subjects of the treaty, after agriculture; to place salt, tools, and machinery, and implements of agriculture, with other items, in the free list; to secure patents and copyrights; to remove all discriminations; and let the provincials look forward to a union which will eventually remove these duties, increase their wealth and contribute to their improvements? Is the present moment, when we are mastering a debt of twenty-eight hundred millions by severe taxation, an auspicious one for bringing in new States to share our burden? When we have reduced our debt and our taxes, and shown that they rest lightly on our shoulders, and England has paid for our losses by her cruisers, will not the moment be more auspicious for the enlargement of our territories?†

We have traced the successive stages of the growth of the commerce with the provinces, doubling in seven years after the completion of the Erie canal, and rising to more than fifty millions in 1856, the second year of the treaty of reciprocity.

During the ten years from 1851 to 1861, which comprise four years prior to the treaty and six that followed, all the provinces made rapid progress, but Canada was pre-eminent.

From 1851 to 1861 the population of Canada increased more rapidly than the population of the Union. It had gained 36 per cent. In 1860 the population of all the provinces was as follows:

Canada	2, 501, 888
New Brunswick	233, 777
Nova Scotia	230, 699
Newfoundland	124, 608
Prince Edward's Island.....	80, 645
Aggregate	3, 271, 570

The rate of increase in all the provinces was nearly equal to that of the Union.

* See remarks of distinguished provincials in the Appendix, p. 75.

† The debt of Canada, in proportion to its assessed wealth, is nearly two-thirds the size of our own. The interest upon our debt can be met by moderate duties on liquors, cotton, tobacco, and coffee, without bearing heavily on the provinces should they hereafter join us "spontaneously," as suggested by the London Times. In 1868 our population will reach forty millions. We have lost but half a million by the war.

Canada led in commerce and revenue as well as in population. In the fifteen years from 1851 to 1865 the whole exports and imports of Canada rose from 5,000,000 to \$87,000,000. Her revenue rose also from \$3,500,000 to 10,500,000. Between 1851 and 1861 her improved land increased from 10,795,000 acres to 10,855,854, or 49 per cent.; the value of the same from \$3,516,000 to \$466,675,780. The wheat crop, which exceeds that of Illinois and of each of our States, rose from 15,756,493 bushels to 27,274,779, or 78 per cent. The oat crop, larger than that of New York, the leading State of the Union, rose from 20,369,247 bushels to 38,772,170, or 91 per cent. During the same period the value of her lumber rose from an average of \$7 to \$10 per M.

And in the interval between 1851 and 1863 her export of lumber rose from 5,085,628, of which but 23 per cent. reached the United States, to a total of 12,264,178, of which a third—nearly as much as the former importation of Great Britain—came to the United States. For a series of years prior to 1846, the imports of Canada from the United States greatly exceeded the exports, and great disparity continued down to the reciprocity treaty; but since 1860 the balance of trade has been reversed.

The statement of the minister of finance to the Canadian parliament on the 29th of August last shows the present condition of Canadian commerce.

He gives us for the year a revenue of \$10,528,000, collected at a cost of 13 per cent.

Imports for the year ending June 30, 1865, exclusive of specie	\$39,851,991
Specie imports	4,768,478
Exports of the year, exclusive of specie	40,792,966
Specie exports	1,688,191

The results present a balance for the year of nearly one million of exports over imports, independent of specie; and a balance of gold close upon three millions.

And, since this report was made, it is currently reported that the sales of white and red wheat, horses and other stock, by Canadians, for the past quarter, to this country will reach eight millions. The minister in his speech estimates an addition of 6 per cent. to the revenue for the coming year, and gives us the following items of income :

Customs	\$6,166,000
Excise on spirit, beer, and tobacco	1,650,000
Post office	470,000
Public lands	450,000
Ocean postage	70,000
Territorial income	650,000
Indries	1,650,000

In illustrating the trade with the United States he assumes the imports from the country into Canada for the preceding years, 1860, 1861, and 1863, to be \$18,379,006 more than are shown by our official statements. The discrepancy weakens his argument, but does not affect his returns for the current year.*

His statement contains a very full analysis of the exports to the United States for the year. After deducting the specie from each he gives us the results :

Imports from all countries, and exports to the same	\$87,001,620
Imports to the United States	21,350,350

The \$18,379,006 added by the minister of finance are doubtless goods which pass via the Grand Trunk from Great Britain to the St. Lawrence, without breaking bulk; they are not entered on our official reports, and, carried by British steamers and a British railway, are British exports. Our shipments down the St. Lawrence are less; but \$5,000,000 for two years, 1860 and 1861.

40 RECIPROCAL RELATIONS BETWEEN THE UNITED STATES

Imports from the United States, exclusive of specie, for the year
ending June 30, 1865..... \$14,820,557

Excess of exports 6,529,793

To liquidate this balance from our country, Canada has received a large amount of specie.

The entire importation of specie from all countries having been \$4,768,478, he leads us to the result that while the exports of Canada to the world exceed the imports by nearly a million, the imports on goods from our country are six and a half millions less than those Canada has sold to our citizens, and he leaves us to infer that we liquidate the principal part of the balance in specie. If any part of our exports have been valued in greenbacks the deficit will be still greater.

The exports of Canada to the United States are shown by him to be—

Lumber	\$5,000,000
Animals, of which two-fifths are horses.....	4,478,000
Wool	1,351,722
Barley and oats	4,500,000
Manufactures	460,000
Butter	340,899
Meats	484,999
Other products of animals.....	391,000
Balance, wheat, flour, &c.....	4,443,839
	<hr/>
	21,350,350

He regards the trade in wheat or flour as a mere interchange between the United States and provinces, the exports from Canada being compensated for in part by the imports into Canada, and are not greater than the shipment from the United States to the maritime provinces. The minister, in the course of his speech, besides giving us these particulars, makes several important suggestions.

1st. That Canada would be disposed to enlarge her canals if she could be admitted to register her shipping and participate in the coasting trade.

That the men who formerly led public opinion in England, and who thought colonies a burden, had lost their influence. That if we put duties on Canadian products, they would open trade with the maritime provinces, and send them flour and barley, and would fatten swine on their coarse grains instead of our corn; that they could change the character of their productions. He states also that Canada has been allowed by Great Britain to come in under the new treaty with France, and is increasing its trade with the maritime provinces and foreign nations, from which they now import three and a quarter millions dollars. That our country could not sustain high duties on a variety of imports without illicit trade, which might be checked if Canada were friendly; but if we built a Chinese wall of restriction, if there was to be no intercourse, the United States must look after their own frontier.

That if we did not send them corn and take barley they could distil the latter; that the returns of distillation might not cover all the spirit, so much was sent out of the country—some legally and some illegally. That he and his colleagues thought smuggling might be checked by a friendly spirit and the selection of certain articles on which duties might be assimilated, and they were ready to meet the commissioners of the United States in a friendly spirit and listen to their suggestions. In his very moderate return of imports from the United States (\$14,820,557) he sets down corn and coarse grains, \$1,800,000; meats, \$876,968; cheese, \$306,618; wool, \$174,071; other products of animals, \$814,599; fish, \$257,961, but gives no additional items.

We have thus, from official sources, the position of Canada and the views of her government, and it is apparent that she has prospered under the treaty. From 1851 to 1861 she has increased her miles of railway from twelve to nineteen hundred; she has increased her wheat and oat crops, her wool, the value of her forests and wealth more than we have, although she is naturally inferior in climate, soil, and position.

She has, by her select committee on commerce, appointed in 1858, conceded that for some years prior to the reciprocity treaty the gain of the United States was worth 25 per cent. more than the gain of Canada, and now in both countries the treaty has for ten years kept it at nearly the same level. She is disposed to build our ships and take a large part of the coasting trade, and as an inducement for such concession she may possibly deepen her canals, to divert the trade of the west. Already has Canada made free ports on her coasts to the extent of one or two thousand miles on the shores of Lake Huron and the Gulf of St. Lawrence, doubtless to tempt our fishermen and frontiersmen to evade our duties, and now we are told distinctly that we must expect illicit trade if we adopt a system of restriction.

The Committee of Congress on Commerce, in their report on reciprocity, in February, 1862, well suggest that in admitting Canada to the commercial advantages she would enjoy if she were a State of the Union, we had a right to expect from her in return the same commercial privileges which each State of the Union confers upon the others; we have given her all those privileges except those she now desires, and which we hesitate to concede in consequence of her connection with a great empire, which declines to do us justice. She has, with those conceded, achieved great success, and the question now arises, what reciprocal privileges has she given us?—have they proved to be an equivalent for those we have conceded? The report of Mr. Andrews and of the Committee on Commerce, to which we have referred, present many conclusive answers to this question.

Before the treaty, Mr. Andrews in his preliminary report—a document submitted by Mr. Corwin to our Senate—said, “that it would be wise to place the border trade between the United States and the colonies on a different basis and under the influence of a higher principle so as to mature and perfect a complete system of mutual exchanges between the different nations of this vast continent.” While the treaty was pending, Lord Elgin, the British minister at Washington, alleged that “Canada had always adopted the most liberal commercial policy with respect to the United States, as well in regard to the commerce through its canals as in regard to the admission of manufactured goods coming from this country, and if the natural products of that country (Canada) should be admitted duty free, that government would be willing to carry out still further the same liberal policy already pursued towards the manufactures of the United States.” The treaty itself recited that the parties “were desirous to regulate the commerce and navigation between their respective territories and people, and more especially between her Majesty’s possessions in North America and the United States, in such manner as to render the same reciprocally beneficial and satisfactory.”

With these intentions, thus expressed, the treaty was executed and commerce commenced.

When the treaty took effect by the President’s proclamation, March 17, 1855, the duties in Canada were very moderate, but 5 per cent. on some commodities, and 10 per cent. on others, but 12½ per cent. on our boots, shoes, leather, harness, and many of our other products; but within a year after the treaty Canada began to advance these duties, and by 1859 had raised them 62½ per cent. on one class, and 100 per cent. on another, embracing our chief manufactures, and most of them were thus excluded and the sale of others reduced.

The Committee of Congress on Commerce, in 1862, complained in their report that the duties levied on our manufactures and other products had checked their exportation from the United States to Canada; that our commerce with that country reached its height in 1856 and then began to decline with the advance of duties; that our exports which paid duties to Canada declined from \$7,981,284 in 1856, the year after the treaty was adopted, to \$4,197,316 in 1860, a decline of 47 per cent. in four years only, while the whole amount of our Canadian commerce declined 25 per cent. from 1856, when the duties were low, to 1862 when they were high. The committee suggest that if Canada required more revenue, her attempt to raise it by new duties on our manufactures was a failure. It effected nothing but their exclusion. The committee in this connection draw attention to the fact that while Canada urges that she was obliged to raise duties for revenue, she has established two great free ports—the port of Gaspé on the gulf of St. Lawrence, with a frontage of 1,200 miles on shores frequented by our fishermen, and another extending for 1,000 miles from the Sault St. Mary, at the outlet of Lake Superior, along the shores of Huron and Superior, where our settlers and seamen engaged in the growing transportation of the lakes may be tempted to buy goods and evade our duties. If legitimate trade be the object of Canada, she should reduce her duties, when they diminish revenue; and if fair reciprocal trade is desired, should she tempt our mariners, miners, and settlers to evade our duties, and compel us to establish ports and custom-houses at great expense upon a long frontier?

If Great Britain maintains Gibraltar to extend her trade on the coast of Spain, must we have a Gibraltar on our frontiers also?

Our committee complain of the change from specific to *ad valorem* duties on foreign goods, which are based on prime cost in gold, if they come by the St. Lawrence or by the Grand Trunk, a British railway, but are assessed on cost freight, and charges, if not prices in currency, if they come via Boston or New York. This the committee deem an evasion of the treaty. They complain also of discriminating tolls on the Welland canal, by which goods, destined via Oswego and Ogdensburg for New York or Boston, pay tenfold the tolls required on goods diverted from our ports to Quebec or Montreal. They cite the reports of Messrs. Hatch and Taylor to our Treasury Department, in which they favor the extension of free trade. They refer to the trade with the maritime provinces under their system of low duties as more satisfactory than that of Canada, and come to the conclusion, at which the legislature of New York had previously arrived and set forth in their resolves, now on file at Washington, that “the legislation of Canada subsequent to the treaty was subversive of its true intent and meaning, and that an isolating and exclusive policy had been adopted, intended to destroy the natural effect of the treaty by heavy duties on the products the United States have to sell, and by discriminating duties and tolls imposed to exclude the United States from Canadian markets.” Our Committee on Commerce conclude with a full recognition of the benefits which would flow from a just treaty and extended system of free trade between the United States and the provinces, by which reciprocity would be not merely a name but a substance on the whole frontier, and as a substitute for the treaty recommend the zollverein, under which more than thirty-six millions of Germans freely interchange their commodities and divide foreign duties, while nearly as many Austrians are included under a more limited system.

The efficient minister of finance, who is very naturally on the alert when this treaty is discussed, reviews the action of our committee in a statement to the Canadian parliament in March, 1862. He concedes most of the facts found by our committee, but endeavors to weaken their force and sustain the treaty. He urges that Canada, like the United States, was obliged to raise her duties, but apparently forgets that our rise did not affect the great exports of Canada.

clings to the letter without regard to the spirit of the treaty shown in preamble, and does not refer to the assurances given by Mr. Andrews, its author, and by the British minister and the officers of Canada, when the treaty was pending.

It is fresh in my memory that when invited to favor the treaty I declined to do so, because the programme of the treaty did not expressly authorize us to open the staples of Canada with the products of New England, but it is now evident that this was a dangerous omission and that Canada has not redeemed its pledges. The minister of finance urges that Canadian duties are not as onerous as our own, but a duty of 20 or 25 per cent. is too high if it excludes our manufactures. The duty on our clocks at Liverpool and on our drills at Calcutta is not higher, but they were just high enough to effect the purpose of Great Britain, the exclusion of the fabrics of the United States. The minister urges that the free ports of Gaspé and Sault St. Mary are to encourage the settlers; but the few settlers on these desert coasts require no such stimulus, and Canada in establishing them pays no respect to the great maxim of the law—*Sic utere ut alienum non lædas*—while benefiting by a treaty whose express object it was to make the trade beneficial to both parties. He admits that the discriminating tolls and duties have been imposed and claims the right to impose them. He avows his object to be to promote the direct trade by the St. Lawrence by various measures, and avers that he has done so. He conceives this to be a laudable object and submits a table to show how large a proportion of the importations of goods into Canada, many of which formerly came through the States, now come via the St. Lawrence.

Importation of leading articles into Canada in 1861.

[Extract from the table of the minister of finance.]

	Whole amount imported into the province.	Proportion imported via the St. Lawrence.
Woolen goods.....	\$5, 690, 000	\$5, 123, 076
Iron and glass ware.....	618, 896	427, 763
Woolen goods.....	328, 391	245, 419
Iron and hardware.....	2, 851, 014	1, 943, 398
Woolen satins and velvets.....	921, 152	875, 195
Woolen goods.....	4, 271, 276	4, 003, 077
Total.....	14, 681, 506	12, 617, 928

The minister of finance thus demonstrates that eighty-six per cent. of this merchandise enters Canada via the gates of the St. Lawrence, leaving but four per cent. for New York, Boston, and for American vessels, canal-boats, and railways. It is his province to conciliate Montreal and Quebec and propitiate Great Britain.

His duties are arduous and conflicting. For the seaports of Canada he must open the breadstuffs of the west, to give freights to their shipping and commissions to their merchants; for them he must seek outlets to France, the maritime provinces, Brazil, and West Indies. With respect to Great Britain, whose ships have little respect for custom-houses or blockades, he can present free trade on the great highways and duties discriminating in their favor. To satisfy the western province and to give value to the forests and agriculture, he must open the home market of the United States. If we will give him the direct trade, he will deepen the canals and take the direct trade also.

He will accomplish three objects if he can secure the coasting trade, and the direct trade and the home market by a single blow, but the coasting trade is not to be conceded, and we must compete for the direct trade also. In his statement to Parliament he protests against a zollverein, which would sever Canada from Great Britain and cut off her imports from the British isles. He expresses a disposition to enlarge the free list, by adding books, implements, wooden ware, and machinery, and would extend the system of free trade if such measures become necessary to preserve the treaty. He is ready to negotiate for its preservation, for he has much to lose, while there is reason to apprehend that we may struggle to revive our commerce and may ask equivalents for the future in a new negotiation.

We have thus examined the progress, commerce and policy of Canada, and find that she has grown rapidly in trade, wealth, and population; that her annual commerce with us is fourfold its amount before the treaty; that she has not thus far redeemed the pledges given for her by Lord Elgin, the British minister, to favor our productions, but has checked their importation without benefit to her own, for she still devotes herself chiefly to her forests and agriculture, canals and railways; she has diverted some trade to the St. Lawrence, and established some free ports, and expanded her whole commerce to \$87,000,000 in 1865, of which \$50,000,000 are with the United States. We find that her exports of produce to us exceed her imports; that some shares and probably some bonds have flowed into Canada, while a counter current has flowed into the States from the maritime provinces.

But if the treaty had been a boon to Canada, have we not also derived some benefits from a commerce of fifty millions, three-fifths of which consist of articles of food and materials of manufacture?

Are we not led to the conclusion that the treaty has brought to us some blessings in its train? Has not our tonnage in this trade wonderfully increased, and does it not still maintain its ascendancy? If our imports from Canada have exceeded our exports, have not those imports ministered to our wants and swelled our exports in those trying periods of four years' struggle? If we have imported horses and oats and live stock, have they not mounted and fed our cavalry and horsed our artillery, and aided Sheridan in his last campaigns? and if we have sent a balance of two or three millions of specie to Canada beyond what we receive from the maritime provinces, are we to send the products of our mines, one of our chief exports, to England only?

If Frederick the Great was able successfully to contend for seven years with Austria, France, and finally with Russia, by the supplies he drew from Silesia and Saxony, have not the provinces contributed something to our success, and have we not some pensions to pay in the provinces?

If our exports have diminished, a part of the diminution must be ascribed to our currency and the derangement of our trade. Are we not for the moment obliged to pay in our own markets three or four profits: first, the legitimate profit; second, a profit to cover the risk of a decline of value to specie prices; third, a profit to cover increased cost of living; and often a fourth, from the insufficient supply caused by the fear of producers to enlarge their works while labor and materials are above their true value; and shall we not produce more cheaply and change this as we return to specie?

If there are omissions of our productions in the treaty, is Canada to blame for them, if she has conformed to the letter of the treaty, and may they not have been made with a wise forecast by Mr. Marcy?

If the provinces have sent us coal, wool, timber and rags, which last Canada classes among her manufactures, have they not given a stimulus to our industry? and if she has refused our return freight, has not that diminished the net return upon her exports? And will she be less friendly and less interested in our progress if she holds a few of our bonds? Will they not be bonds of amity between us?

ow if she has drawn capital from Europe, built her canals and railways ected them with our own, and is able to construct more for the trade ountries; if she has to-day a small surplus revenue and is able and > transfer some of her duties from our manufactures to foreign luxuries isourage illicit trade; if she is willing to make the terms of a new ore beneficial than those of the last, is it our true policy to withdraw shell and refuse to listen to her overtures?

MARITIME PROVINCES OF GREAT BRITAIN.

ow glance at the sea-coast and turn from Canada to our commerce maritime provinces.

tercourse with these colonies is annually increasing. They send to us plies of coal, lumber, fuel, gypsum, grindstones, fish and products of the and receive in payment our breadstuffs, some manufactures, and some oods. The goods we export are more valuable than those we receive, several years before the treaty our exports averaged in value more than e value of our imports. This disparity has been reduced, but still the of trade is in our favor and is realized in part from drafts on England for eds of ships built in the colonies and remittances in gold, and our are engaged to a considerable extent in opening coal and gold mines provinces.

and exports of British maritime provinces of Nova Scotia, New ick, Newfoundland and Prince Edward's Island, in commerce with nited States.

Date.	Exports to above maritime provinces.	Imports.	Aggregates.
.....	\$3,116,840 00	\$1,358,922 00	\$4,475,832 00
.....	3,224,553 00	1,736,650 00	4,961,203 00
.....	2,650,134 00	1,520,330 00	4,170,464 00
.....	3,398,575 00	2,672,602 00	6,071,177 00
.....	4,693,771 00	2,206,021 00	6,899,792 00
.....	5,855,878 00	2,954,420 00	8,810,298 00
.....	7,519,909 00	3,222,224 00	10,742,133 00
.....	6,911,405 00	3,832,462 00	10,743,867 00
.....	5,975,494 00	4,224,948 00	10,200,442 00
.....	8,329,960 00	5,518,834 00	13,848,794 00
.....	7,502,839 00	4,989,708 00	12,392,547 00
.....	7,133,734 00	4,417,476 00	11,551,210 00
.....	7,369,905 00	4,046,843 00	11,416,748 00
.....	10,198,605 00	5,207,424 00	15,405,929 00
.....	12,323,718 00	7,947,897 00	20,276,615 00

at ten per cent. should be added to these imports, as the provincial s usually underrate the amount of shipments from the provinces to that

onage of the vessels in the trade with these provinces arriving in the States and clearing therefrom, in the year 1864, exhibits an amount of an 1,600,000 tons, and their commerce with the United States during r, as shown by exports and imports, was two-fifths of the amount of age trade with Canada, while their population already given is less than l that of Canada. The vessels owned by these provinces exceed five and fifty thousand tons. Were these vessels to be withdrawn from the marine and added to our own, we should resume our maritime supremacy.

notwithstanding the reduction of more than a million of tons, by sales and by the depredations of the Alabama, Sea King, and other cruisers. The ex coasts, navigation, and fisheries of these colonies make their inhabitants f with the sea, and they can furnish at least 30,000 seamen.

We have considered them in the aggregate, but let us now glance at t detail and examine their revenue and commerce.

NOVA SCOTIA.

This province, within one day's run of Boston, with its capital, Ha great naval station, with the coal mines of Cape Breton annexed, and pro to say nothing of recently discovered gold mines, is the most important maritime provinces.

In 1862, its tonnage was	277,7
Imports	\$8,4
Exports	5,6
Revenue	

Its seamen employed in the fisheries were, in 1861, 14,522, which is cent. of its entire population of 330,857.

The growth of its population from 1851 to 1861, has been 19⁸⁰/₁₀₀ per The progress of its fisheries has been as follows :

	Vessels.	Boats.
1851.....	812	5,161
1861.....	900	8,816
	<hr/>	<hr/>
	88	3,655
	<hr/>	<hr/>

Increase of men, 38 per cent.

The fish taken in its fisheries, were—

In 1851, mackerel, 100,047 bbls; herring, 153,200 bbls.

1861, mackerel, 66,108 bbls; herring, 194,170 bbls.

The vessels built in this province were, in 1858, 16,366 tons; i 23,634 tons.

Our merchants who are engaged in the trade with Nova Scotia, an British provinces, complain of the charges for lights and pilotage, and re that owing to the standard of measurement adopted in the provinces, our in proportion to their capacity, are expected to pay more than the pr vessels; that the packets and other small vessels, which run frequent New England and New York to provincial ports, require no pilots, l obliged to pay for them. And that each of our vessels is required to p dues for a year in the provincial ports, although it may make but a voyage.

In our ports, no charge for lights is exacted, and it is just that this be tated, and that no charge be made for pilotage to regular packets, and no for anchorage or transshipment to our fishermen. A portion of the ship Nova Scotia is held by citizens of the provinces, on American account the British flag, and intelligent merchants compute that one-seventh tonnage of the provinces is thus held for our countrymen. It is not imp that several hundred thousand tons of United States shipping have, dur the war, been registered in Great Britain and her colonies, to reduce ins in addition to all that have been sold, and I would respectfully suggest department the policy of passing a special act, allowing vessels that hav thus registered to be registered again in the ports of the United State paying a moderate duty, to be applied to the benefit of the orphans and u of those who defended our flag. This would do no injustice to our ship-bu

would take from the roll of England and restore to our own a part of the
ge of which her cruisers have deprived our nation. Would it be well to
de such vessels and compel the owners to sell at low rates to the English,
k their property ?
e average of duties in Nova Scotia is not far from 10 per cent.
e coal mines of Nova Scotia now produce about half a million of tons
lly. Two at Pictou and Sydney are held by an English company. The
s, producing nearly half the coal, are held principally by citizens of the
d States.
veral valuable gold mines, in which the quartz veins yield from 2 to 11
s per ton, are worked in this province by citizens of the United States ;
have become profitable, and a half of one has been recently sold for
000.

NEW BRUNSWICK.

is province is but an extension of the State of Maine, along the bay of
y.
62 its exports were \$3, 846, 538 00
Exports to United States..... 889, 416 00
Imports 6, 199, 701 00
Imports from United States..... 2, 690, 703 00
Revenue..... 668, 197 00

60 its vessels built 41, 003 tons.
Tonnage 158, 240 tons.
Population 252, 047

e ships built and sold nearly sufficed to make up the difference between
ts and imports.
e duties in New Brunswick average less than 16 per cent.*
til a recent period there has been in this colony a strong opposition to the
of the provinces under one government. But this province has been
iated by a promise that it may draw for the general revenue a sum which
xceed \$200,000 annually, for a contract to aid a railway from the St. John
to the line of Maine, to meet one from Bangor, one of the two links that
a to complete the chain from Halifax to Kansas and Texas.
e province has agreed to advance \$10,000 a mile to aid this line as it passes
gh New Brunswick. It has also a mine of albertine, rich in mineral oil,
yields annually 15,000 to 20,000 tons and returns very large profits.
is held by our citizens.

PRINCE EDWARD'S ISLAND.

is fertile island derives importance from its harbors and position on the
s of the fishery for mackerel. The fleets of fishermen take in its vicinity
e proportion of their best fish ; and if the United States should secure
g else beyond the rights retained under the convention of 1818, the right
close to its shores would be of great importance to our fisheries. A line
amers is now established between this island and Boston, and large
tations of fish and oats are made from it annually.
31 its population was 80, 557
Imports \$1, 046, 750 00
Exports 815, 570 00
is built, 8,045 tons, value..... 216, 500 00

enty-five years since a single schooner could have transported all the

* Letter of E. Allison, esq., November 16, 1865.

goods passing between this fertile island and the United States, but now two steam packets run between it and Boston, making frequent passages through the Gut of Canso. Large shipments of oats and other produce are made to Boston and New York, and many products interchanged, and large supplies furnished our fishermen. At least half the crop of oats is shipped to England, and were we to impose heavy duties on them, the whole surplus of the province would probably take that direction to the injury of our trade.

Doubtless, any considerable duties on oats and barley would send a large portion of those crops from Canada to Great Britain, under the decline of price that would attend these great staples of Canada.

This fertile island was settled by the French, as a garden for their great fortress at Louisburg.

Duties 10 per cent.

NEWFOUNDLAND.

This province has a sterile soil and brief, cloudy summer, but has for centuries been renowned for its fisheries, which comprise the cod, seal, salmon, herring, and mackerel, although the two first are the principal.

Near its coast lie the Grand Banks, enveloped in almost ceaseless fogs, from the evaporation caused by the confluence of the Gulf Stream with the iceberg and ice currents of the north. Here cod abound in water 30 to 50 fathoms deep, on a bottom abounding in shellfish and frequently by small fish in great abundance. Cod are taken from boats near the shore, and herrings early in the year are taken in vast numbers in seines, and many vessels load with them as bait for our fishermen.

In 1862 the imports were \$4,028,000 ; exports, \$4,684,000 ; tonnage, 87,000 tons ; revenue, \$452,000 ; population, 122,638. As early as 1517, fifty sail of vessels fished on the banks. Duties 10 per cent.

VANCOUVER'S ISLAND.

This large and fertile island, with a soil and climate resembling that of Ireland, is situated opposite British Columbia. It has become the chief naval station of England on the Pacific coast, and occupies a position on that coast with reference to California like that Nova Scotia holds on the Atlantic, with reference to the States of New England. Its chief city is Victoria, near the spacious harbor of Esquimaux, and the principal imports from British Columbia, and the exports of its gold, are made from this city.

In Barclay sound a London firm manufactures annually twenty million feet of timber ; and in 1863, 22,000 tons of coal were sent to California from valuable coal mines of Nanaimo.

In 1863 the exports from Victoria to our States on the Pacific were.....	\$2, 935, 170 16
<hr/>	
Imports—	
From our Pacific States.....	\$2, 230, 501 00
From England.....	1, 432, 521 00
From Sandwich islands	113, 486 00
From other places on Pacific ocean.....	101, 294 00
	<hr/>
	3, 877, 802 00
Tonnage entered and cleared.....	93, 122

BRITISH COLUMBIA.

The chief settlements and mines of this territory are in the vicinity of Fraser's river. For climate and soil it compares favorably with Scotland, and with

ect to fisheries, the rivers and outlets supply abundance of salmon. Its value, drawn principally from mines, annually exceeds half a million of dollars.

THE BRITISH PROVINCIAL FISHERIES.

It is important for our government, when adjusting a treaty which bears on fisheries, to learn what encouragement is given by other nations to their fisheries, in the same waters. Great Britain for many years paid large bounties for fishermen, but of late years has substituted for them what is more beneficial, a system of light duties. The colonists of Great Britain enjoy great natural advantages. The fish are upon their coasts. Without loss of time or long voyages, like those made by the mariners of France and the United States, they can pursue their avocations upon their farms; and when wind, weather and season invite, can launch their small boats from the shore, and return weekly and daily to their families, and dry or pack their fish upon their own land. Great Britain has established ports for free trade upon their coasts, and duties less than one-fourth of those we have been compelled to impose.

Remissions, low duties, and natural advantages confer benefits on the provinces of twice the amount of the bounty of \$4 per ton which the United States grant to our fisheries to educate mariners.

The best estimate of the product of these provincial fisheries which I find possible is the report of Arthur Harvey, esq., statistical clerk in the finance department, Quebec. It is based upon the census tables of the several provinces in 1860 and 1861.

Value of fish caught, 1860.

Newfoundland, (principally cod).....	\$4, 440, 000
Nova Scotia, (cod, mackerel, herring).....	2, 562, 000
New Brunswick, (cod, mackerel, herring, alewives, and hake)...	388, 385
Prince Edward's Island, (cod, herring, mackerel).....	272, 532
Canada, estimate.....	700, 000
	<hr/>
	8, 362, 917
	<hr/>

These fisheries are gradually increasing. The duty on most articles used in fishery is but one per cent.

THE FRENCH FISHERIES.

France, two centuries since, held Acadia and controlled Newfoundland. Her object was to secure the fisheries, which she considered a nursery of seamen, and essential to her power. To insure their safety she expended five millions of dollars upon Louisburg; and her fisheries more than a century since were estimated to produce one million quintals annually.

In the 20th of December, 1850, when the law which granted bounties to the fisheries was expiring, the French ministers of marine and colonies submitted a report to the national assembly, in which they gave the statistics of the fishery, and stated that the average number of seamen engaged in them from 1841 to 1850 was 11,500, and the average bounty paid annually was 1,000, or 3,900,000 francs, equivalent to \$67 60 for each seaman; and that France trains up in this manner able and hardy seamen for her navy, who would cost the nation much more if they were trained to the sea on ships of war. Their statements, accompanied by a draught of a law to renew the bounties, were referred to a commission; and its chairman, May 3, 1851, made a report, in which he states that the commission had examined delegates from all the provinces engaged in the fisheries, with the papers of a former commission, and

those of the council of state; and, in concurrence with the directors of the customs and the ministers of marine and commerce, reports : “ That the intervention of the state in the form of aids and bounties can be justified only by considerations of general and public interest ;” that such industrial employments as can prosper at the expense of the public treasury only should not exist; that although the industry exerted in the fisheries and the commercial activity that resulted from it gave employment to a large class of people, this was a secondary consideration; that the encouragement given to the great fisheries was not an exclusive protection or favor to any one form of industry; that the law they had the honor to propose was not a commercial, but a maritime law, conceived for the advancement of the naval power of the state; that France, situated on three of the most important seas of Europe, must continue a maritime power; that treaties which had become inevitable had robbed her of her colonies; that coal belongs to the English and cotton to the Americans, and the shipments of sugar were growing less and less.

The great fisheries still remain; on them repose our hopes; and to preserve them we must continue the encouragement we have given them, even at periods when commercial and colonial prosperity, infinitely superior to that now existing, multiplied our shipping and furnished abundance of seamen. That the fisheries gave employment to a great number of men, whom a laborious navigation, under climates of extreme rigor, rapidly formed to the profession of the sea.

No school can compare with it in preparing so many and so well for the services of the navy. That if the bounties on exportations were stopped, an insignificant number of vessels would be equipped; that the annual returns averaged forty-four millions kilogrammes of dry fish, (or one million quintals,) of which three-eighths were exported under bounties “on exportation.” The law continues the bounty of fifty francs, or ten dollars per man, engaged in the deep-sea fisheries, and establishes a bounty of twenty francs, or four dollars for each French quintal of 221 pounds avoirdupois exported to America. This is equal to two dollars per cwt.

The official tables annexed to this report give the average number of tons of the vessels of French fishermen employed from 1842 to 1847.

	Tons.
On the coast of Newfoundland.....	21, 195
At St. Pierre and Miquelon.....	657
At Grand Banks.....	5, 816
At Grand Banks, without drying.....	13, 703
At Iceland.....	7, 794
Total.....	49, 165
Average from 1835 to 1839.....	53, 456

Number of vessels of the first period, 416; second period, 389.

Since the passage of this law the French fisheries have materially improved. Larger and superior vessels are used, averaging 157 tons, or twice the size of our vessels. They carry twenty men each. France had in these fisheries in 1858, 492 vessels; 77,150 tons; 15,280 men. During this year she paid in bounties \$735,000, equal to \$9 50 for each ton in the trade, while our rate was but \$4 per ton.

The product of her fisheries was \$3,500,000, and she exported in that year to the United States 41,151 quintals.

The French Dictionary of Commerce, published at Paris three years since, remarks that “the Americans cannot continue their fisheries against the English and against the French, aided by a bounty, without a bounty also.” The increase in the French fisheries since 1851 has averaged 8 per cent. per annum.

THE UNITED STATES FISHERIES.

importance of these fisheries has not been appreciated by the middle western States, although they have rendered such important aid to our both in the wars of 1776 and 1812, and more recently from 1861 to by men trained amid ice and fogs of the gulf of St. Lawrence, and upon our seas, to naval service. We have adverted to the services of these trained seamen in former wars, but of them have in the last four years evinced their ability and endurance in maintaining for years, through storm and sunshine, summer and winter, day and nights, a blockade of 3,000 miles of coast that Great Britain considered impossible, and by the capture of 1,500 prizes. At Port Royal, with its walls alone, they assailed and captured strong and well-armed fortresses. At New Orleans they pushed aside the fire-rafts, and with their ships festooned with chain cables, assailed successfully both forts and iron-clads. They were those who run the gauntlet of Vicksburg and Port Hudson, and opened the Cumberland and Tennessee rivers, and manned the decks at Mobile, when the British frigate, who fought with them in 1812 on the Essex, lashed himself to the

history of the past teaches us their value in the future. The American sailors are not only the chief nurseries for the mariners and petty officers of every navy, but they are the schools from which spring the most able and enterprising mates, captains, and merchants who conduct the foreign commerce of our nation.

The deep-sea fisheries of the United States, at the present moment, although hampered by heavy duties, although deprived of a part of the home market, are still alive, and their returns for 1865, exclusive of the whale fishery, are more than the whole returns of the British North American fisheries. The tonnage engaged in the United States fisheries has been as follows :

Date.	Tons in the cod fishery.	In the mack- erel fishery.	Aggregate.
.....	122, 863	80, 596	203, 459
.....	117, 290	51, 019	168, 309
.....	103, 742	55, 494	159, 236

The return of fish and oil from this tonnage for 1862 considerably exceeded one million dollars—drawn from the rich pastures of the deep. We have no exact returns of the fish or oil landed on our shores, for these are not recorded in our official reports ; but we have proof that in 1862 and down to the present hour the trade has paid fair profits beyond outfits, repairs, insurance, other disbursements, and that these average more than \$80 per ton for the vessels and boats in service, or more than \$13,000,000.

The aggregate produce of the French, British, and United States fisheries on the coasts of America at this time must exceed \$25,000,000, of which about one-half belongs to the United States, and our proportion of men in the service is at least 25,000. Our conclusions are drawn alike from the tonnage engaged, the men required to navigate it, and the necessary expenses of sailing the vessels, and from evidence taken.* The progress of the American fisheries, down to 1851, is well recounted by W. A. Wellman, esq., late assistant collector of Boston, in Senate Document No. 112, for 1852, to which I refer.

During the present season many Beverly fishermen have averaged more than 12½ quintals of fish to the ton, caught in less than six months. The present value of such fish exceeds \$3 the quintal.

The treaty of 1783 expressly stipulated that the people of the United States shall continue to enjoy unmolested the right to take fish of every kind on the banks and on the coasts, and on the bays, harbors, and creeks of the British dominions in America, and under its provisions the fisheries were revived and rapidly increased.

A bounty was allowed on the exportation of fish as a drawback of the duty on salt, which subsequently took the form of the present allowance.

Until the embargo of 1808 fell with crushing weight upon the industry of the north, the fisheries grew rapidly.

During the embargo and the war, when bounties were discontinued, the export declined to less than \$100,000 in 1814. But the navy was manned and enabled to cope successfully with the frigates of England. The treaty of 1814 was silent as to the fisheries, and we resumed our original rights, and the bounties were renewed ; but our commissioners in 1818 having imprudently renounced our right to fish within three miles of the shores, harbors, and bays of Nova Scotia, New Brunswick, Cape Breton, and Prince Edward's Island, and the imperial government having subsequently undertaken to draw a line from headland to headland and exclude us from the bays of Chaleurs, Fundy, and the strait of Canso, and to seize and confiscate our vessels, our fisheries, which had gradually progressed and reached 145,000 tons, again receded and became nearly stationary from 1838, until negotiations for a treaty were commenced in 1851. The tonnage then began to improve, and continued progressive until 1862, as appears by the following table :

Tonnage of the United States fisheries.

1851.....	129,000	1857.....	147,000
1852.....	175,000	1860.....	163,000
1853.....	169,000	1861.....	181,000
1854.....	137,000	1862.....	203,000
1855.....	125,000	1863.....	168,000
1856.....	133,000	1864.....	159,000

The trade culminates with the return of 203,000 tons. It has been reduced by the high duty on salt and outfits. But aided by the high prices of the present year and increased demand, it is recovering, and will, if properly sustained by government and freed from oppressive taxes, probably again become progressive. It suffers for the moment a temporary check from the duties on salt consumed, which have been as follows, by official returns :

Date.	Duties on salt consumed in the United States, chiefly in the fisheries.	Remissions of duties, termed bounties.	Seamen in fisheries
1859.....	\$190,965 00	\$426,962 00	21,733
1860.....	210,331 00	458,394 00	21,611
1861.....	194,300 00	467,834 00	26,555
1862.....	418,084 00	429,556 00	28,000
1863.....	1,211,997 00	350,135 00	23,225
1864.....	887,003 00	352,854 00	21,965

The salt consumed by the fishermen is at least 1,400 pounds per ton, and ranges from \$600,000 to \$700,000 yearly. The fisheries break in at least 5,000 new seamen annually.

The number of vessels in the fisheries has ranged, since 1850, from 2,414 in 1851 to 3,815 in 1862, besides boats in the shore fisheries. Six hundred sail of the

vessels have in a single season fished for mackerel in the gulf of St. Lawrence and bay of Chaleurs, and taken fish to the amount of \$4,500,000.* †

The change of measurement reduces the amount of tonnage in the fisheries, as most of the new vessels are clipper-built, and can make the run from Boston or Gloucester in three or four days to the strait of Canso; but its effect is not to reduce their capacity to carry, but capacity to draw bounties; and as the bounty is not well understood, I would respectfully suggest the change of its name to what it truly is—a partial drawback of duties on salt and outfits to vessels engaged in the deep-sea fisheries. This will save valuable time and prevent misapprehension.

Let us glance for a moment at the routine of the fisherman. In January he repairs his vessel. In February the fleet sails for George's Banks, where, in a deep and turbulent sea, they fish for cod and halibut, while a part run to the banks and shores of Newfoundland. In May the mackerel strike the coast at Cape Henry, and the fleet divides; some vessels seek the fish off the capes of the Delaware; some run through the strait of Canso to the gulf of St. Lawrence, where they fish for cod until the last of June, when many of them pursue the mackerel until the approach of winter, along the shores of Canada, Nova Scotia, and Prince Edward's Island. In November they steer towards home, while a portion have fished for cod on the banks and coast of Labrador, and a portion have found the mackerel on the coasts of Maine and Massachusetts. By December the fleet returns, the fishermen pack and divide the spoil, take a brief respite, and then prepare for the resumption of their perilous voyages. In 1851 more than one hundred vessels were driven ashore in a gale, and three hundred lives lost, on the coasts of Prince Edward's Island; the fleet faced the storm rather than risk detention in port for an infraction of the treaty.

In 1852, says the "Gloucester Telegraph," the mackerel taken fall short one-half from the supply of the previous year, because the vessels were obliged to keep further from the shore, and were prohibited from fishing in the bay of Chaleurs, where full fares would have been obtained.

Many vessels pursue the cod for four or five months to secure the bounty, and then return or follow the mackerel, and by combining both make the season profitable. All consider the perpetuation of their ancient rights to the shore fisheries as of the highest importance.

The people of Prince Edward's Island, where the best fish abound, do not object to the fisheries. Their season for agriculture is so brief and time so valuable when the fish strike their coast that they cheerfully resign the fish to their visitors, and are happy to sell them milk, butter, vegetables, and poultry. In the winter they devote themselves to ship-building.

France gives a bounty to her fisheries to sustain her naval power. Nature gives a bounty to the provinces in their proximity to the fishing grounds.

The policy of England co-operates with nature by remitting duties on all the fisheries require. This the French term protection. This is better than bounties. And we, who have both distance and adverse influences to counteract, impose duties on hull, rigging, and sails, on chains, cables, and anchors, on seines, lines, and fish-hooks, on tea, sugar, and coffee, on nearly everything the seaman eats, drinks, or wears. When these, too, were at the highest, we have, by change of measurement, reduced one-fourth the drawback we have given for the last fifty years, in the shape of a bounty or allowance of four dollars per ton, and while we diminish it to one-fourth the rate paid by France, and import her dry fish at a duty of fifty cents per quintal, after they have drawn a bounty of fourfold that amount, we continue a tax of eighteen cents per one hundred

* See Appendix, p. 77.

† Nearly one-fourth of our fishing fleet, with a tonnage of 40,000 to 50,000 tons, worth \$5,000,000 to \$7,000,000 annually, fish near the three-mile line of the provinces.

pounds, or more than two hundred per cent. on prime cost of salt, a most oppressive burden on our fisheries.

When we consider what the fisheries have done for our commerce and our country, and reflect how cheap and useful is the food they furnish, indispensable on certain days to Roman Catholics, and renovating to all, as Agassiz states, from the phosphorus it contains; when we reflect, too, upon the great market the fisheries furnish for the beef, pork, and flour of the west, the question may well arise, does the nation deal fairly or wisely with its fisheries? They consume at least 75,000 barrels of beef, pork, and flour, annually, according to the computations of the fishermen, while the wives and children of those fishermen, doubtless, consume a much larger amount. Whether we treat or not, the duties on salt and necessities should be remitted, and the fishermen protected.

We have thus taken a brief but comprehensive glance at the inland commerce with Canada, the trade with the maritime provinces and the fisheries; and the question recurs, what is to be done? Are we to go back, with contiguous and growing provinces more populous than the United States in 1783, to a system of retaliation and restricted commerce, to ports closed as they were before 1830, except during the embargo, when England opened them? Are we to come to blows with her for rights won by the sword in the war of the Revolution, which improvident commissioners have impaired or put in jeopardy, or shall we make a treaty? We must either risk our mackerel fishery, treat, or annex the provinces. We may not be ready for the latter, and can offer more inducements and attractions at a future day, but we are in a strong position to negotiate. Shall we try negotiation or duties restrictive of commerce? Lord North tried restriction and coercion, and they cost him the colonies. Let us pursue a different policy. Let us treat the provinces as friends and patrons, as valuable customers, and if they join us let them come as friends; we desire no unwilling associates.

Thus far the provinces, and more especially Canada, have found reciprocity teeming with benefits. It is to them eminently beneficial; without it their agriculture and commerce must languish, and their lumber, coal, fish, canals, and railways probably decline in value. We can properly demand, and it seems to me they must and will grant, terms that will satisfy our country. It would be most unwise for Great Britain, with \$3,000,000,000 annually at float, on foreign voyages and in her coastwise commerce, to risk a collision with our fishermen, and the war to which it would in all probability lead, in the present state of public feeling in this country.*

NAVIGATION OF THE ST. LAWRENCE AND SHIP CANALS TO THE SEA.

There is another subject in which the West takes a deep interest, which was discussed at length before the convention at Detroit, and should command the attention of the commissioners who negotiate a treaty. In the language of the resolution adopted unanimously by the boards of trade and commercial representatives of New York, Boston, Philadelphia, Baltimore, Chicago, Cincinnati, Detroit, and fifteen other large cities, "the treaty should include the free navigation of the St. Lawrence and other rivers of British North America, with such improvements of the rivers and enlargement of the canals as shall render them adequate for the requirements of the West in communicating with the ocean."

The West, with its soil of exhaustless fertility, stimulated by the progress of art, finds all its outlets insufficient and its granaries overflowing. The enlarged canals of New York, the railways of our great seaports, prove inadequate.

It requires Lake St. Clair to be deepened and ship canals to be constructed

* Will it be the policy of Great Britain to allow thirty-eight millions of our people involved in war, to contrast much longer her apathy in the case of the Alabama with her alacrity in the case of the Fenians and Jamaica negroes?

for large steamers, to enable it to send its freight without breaking bulk, both to the Atlantic and the gulf of Mexico.

In the discussion at Detroit the provincials urged the importance of a direct route to Liverpool to a market, which in ordinary years absorbs breadstuffs to the amount of £26,000,000, and to a country ready with low duties to send any quantity of manufactures in exchange. Other gentlemen proposed to send flour and provisions by this route to the West Indies and South America, and receive back sugar and coffee in return. New York and Canada both favored the opening of a ship canal from the St. Lawrence into Lake Champlain; other States urged the importance of lines from Green Bay or Lake Superior to the Mississippi, and the enlargement of the canal from Lake Michigan to the Mississippi.

The United States and the provinces are alike interested in these measures, and it is respectfully suggested that they should be embraced in the treaty.

At the present time the Erie canal admits no vessels exceeding two hundred and twenty-four tons, the St. Lawrence canals, with small locks and ten feet water, are restricted to three hundred tons, while the Welland admits vessels of four hundred tons, drawing nine feet only.

The West, through Mr. Joy, of Detroit, asks for a depth and width sufficient for vessels of one thousand five hundred tons, of sufficient draught to navigate the ocean safely, and for such vessels twelve feet will be required. Through the six months of summer and autumn the run from Montreal can be made to Liverpool with despatch; the distance is less than the distance from New York.

It would be reasonable to ask Great Britain to perfect that portion of the route which lies between Lake Ontario and Montreal. She ought also to be called upon to aid in deepening Lake St. Clair, for it will benefit the commerce of both countries. She has proposed to make a ship canal from Lachine to Lake Champlain, which may be effected for three to four millions, and carry large vessels laden with the cereals and lumber of the West to Burlington and Whitehall; and such a step would induce New York to enlarge her Champlain canal, and thus carry large steamers to the deep waters of the Hudson.

While these steps are appropriate for Canada, the United States might stipulate to aid in deepening St. Clair, in enlarging the Michigan canal, and to build a ship canal on her own territory around the Falls of Niagara, with a depth of twelve to fifteen feet and a capacity for vessels of one thousand five hundred tons. They could annually apply two or three million to these great objects of national, and more than national importance, and in a few years they would be accomplished.

The St. Lawrence route would relieve the existing canals and railways, and the route by Lake Champlain would compete for the direct trade to Europe and supply our eastern seaports, while the Michigan canals would attract the commerce of the South and the West Indies. It is proper, also, to remark that a very valuable suggestion as to these public works has been made by one of the ministers of Canada. It is that they should be made neutral in case of war, and that all vessels and property of both nations passing through the same shall be exempt from seizure.

Provision would thus be made both for the provinces, the West, the South, and the East, and the great home market of the East is not to be forgotten.

The provincials, when presenting to the West the market of Great Britain for breadstuffs, urged as an argument for a cheap and direct route that we should meet there some competitors, and the following table was submitted by G. H. Perry, civil engineer, of Canada West, viz: Percentage of breadstuffs imported into Great Britain from Russia, 19½ per cent.; Prussia, 31½ per cent.; Mecklenberg, 8 per cent.; Hanse Towns, 4 per cent.; France, 6½ per cent.; Turkey, 5½ per cent.; Egypt, 2½ per cent.; United States, 7¼ per cent.; Denmark, 11¼ per cent.; other countries, 2½ per cent.

These prove his case, but he omitted to state that while we should divide the

profits with others abroad, and find prices less than in former days, there was a home market in our eastern and central States where \$2,000,000,000 of domestic manufactures were exchanged for the products of agriculture, to which easy access might be had by the placid, clear, and safe navigation of Lake Champlain, and the railways that radiate from Oswego and Ogdensburg, Lake Champlain and the Hudson. With these improvements made, all the provinces and the States would be interested in the completion of the Northern railway from Lake Superior and the Mississippi across the Red River of the North to the Pacific, and the growth of the West would still give a large traffic to the canals of New York.

The propellers on their way down the lakes would rarely take fuel for more than two or three days' consumption, and on their arrival at the ports of Montreal or New York would land there portions or the whole of their cargoes for distribution, and replace them with coal for a fortnight's steaming and freight to Europe.

Let us give the St. Lawrence a southern outlet.*

In case the old treaty expires, there are those who desire to place heavy duties on the exports of Canada. They urge that she gave her sympathies to our foes and allowed them to organize and assail us across the frontier. That nature has interposed our country between Canada and the sea. That we should avail ourselves of our position, and draw a revenue from her commerce. That her natural market was our home market, that her provinces were nearer to the seats of our commerce and manufactures than our western States. That her lands, forests, and mines depended for their value in our markets. That we had incurred debts to preserve the latter, and if Canada is to use them she should, like our States, contribute to the cost. That she could easily do so, as she had access across the lakes to our canals and railways, and that under our treaty her animals and coarse grains were worth more at Kingston and Toronto than ours at the west. That the nations of the Old World coin their natural advantages into money. That Russia, France, Holland, and Great Britain in her East India possessions impose duties on the exports that they monopolize, and exact tribute from other countries.

But may it not be urged that some allowance is to be made for colonies like Canada struggling to reach the ocean, to break the icy fetters that bind them half the year, anxious to obtain favor from England and rival the improvements of the great republic on their borders, and to meet the interest of a debt which seemed to us immense before we had contracted our own?

And may we not ascribe the tone of the frontiers to the emissaries of secession and the leaders of the London press?

Would it be wise to incur the ill will of a province whose frontier for three thousand miles borders on our own? Would it be politic to stimulate illicit trade at a time when we require high duties to meet our engagements?

Again, let me ask, is it desirable for us to have a province on our borders with property depreciated and trade languishing; and should we not participate in its prosperity, if we give life to its commerce, or should we divert business from our canals and railways to a new and circuitous route across New Brunswick? And if New England and New York lie between Canada and the sea, does not Canada lie between us and some of the States of the west?

If the revenue of Canada now enables her to recede from her duties on our products; if she sees that they give no commensurate benefit; if she has inexhaustible forests and fields on our borders; if, under the guidance of England, she has not yet learned to manufacture largely and is willing to exchange her staples for the products of a country like ours, more advanced in the arts; if our manufactures bid fair soon to overtake our agriculture, may we not profit by a

*See Appendix, page 76.

air exchange, and may we not forget the errors of the past and welcome the friendship of the future? It is doubtless desirable for Canada to reach our home market, and to gain a direct route, summer and winter, to the sea, but she is open to her half the year the route of the St. Lawrence, connected, by a series of canals and railways, with the lakes. And is it our policy to turn all our trade that way, or through the wilds of New Brunswick? These are important questions.

Canada sends to us under the treaty many animals. Among these in 1863 were 19,335 horses and 21,665 cattle, and 71,000 sheep, which aided us in finishing the war.

The aggregate value of all such animals imported from Canada was last year more than \$5,000,000, but we send her beef and pork to the amount of nearly 2,000,000, and she exports beef to Europe.

Should we impose heavy duties on horses, sheep pelts, or wool, would she not send cattle in their place? If we tax the cattle heavily, would she send the animals across the border, or ship their beef to Great Britain and compete with our beef in the English market?

Many of her chief products now stand upon an equipoise. We send her cheese and she sends us butter, but more than half her export of butter is to England. Two-thirds of her surplus peas and beans go to Europe, less than one-third cross our lines, and the lumber we exclude by an onerous tax might meet ours in South America or the West Indies. Canada might thus suffer, but our canals, railways, and commerce would partake of her losses.

Again, we have a large manufacture of wool, which had risen from \$65,000,000 in 1860 to \$122,000,000 in 1864, requiring 152,000,000 of pounds, nearly half of which was imported, and Canada supplies us with 5,500,000 pounds of combing wool the present year, of a quality we do not produce but which we require for our new fabrics—for our mousseline delaines, alpacas and bunting.

In the recent very able address of J. L. Hays, esq., to the National Association of Wool Manufacturers, the above facts are stated. It is also stated: "That in 1860 we imported \$15,000,000 of worsteds, principally from England. We made only \$3,000,000. To replace the English worsteds we have absolutely no raw material, and depend wholly on the Leicester and Cotswold wools of Canada." The success of the Lowell Manufacturing Company in fabricating alpaca goods from Canada lustre wools has demonstrated that the wool does not deteriorate. The Canada wool has been found equal to the best English lustre wool reported for comparison. The free wool of Canada has been an inestimable favor to our worsted manufacturers. It does not compete with the productions of our own farmers, as we raise little more than 200,000 pounds of long wool, while Canada consumes 300,000 pounds of our clothing wool annually. It is not possible that our production of long wool can keep up with the demand. Would it be wise, while we are competing with Europe for the production of \$15,000,000 of worsteds, to check the introduction of the long and silky fleeces produced in the cold and moist climate of Canada, and send that staple abroad to aid our rivals?

For four years Canada can furnish all we require for the \$15,000,000 of worsteds. There are few of the great staples of the provinces it would be wise to tax heavily, should the chance be afforded. It would be unwise to tax the minor articles, and most unwise to tax those which would be diverted by a duty.

The field of inquiry is limited to the great staples of the provinces—wheat, rye, barley, coal, lumber and fish, and, possibly, horses. We may dispose at once of wheat; Canada sends us the flour of her white wheat, and annually takes in return an equivalent in the red wheat of the West, most of which she consumes. This is a fair interchange. As respects the flour "*in transitu*," each country invites to its ports for shipment to Europe.

With respect to oats, the production in Canada is immense, having risen in 1860 to thirty-eight millions of bushels; and our importation of oats from Canada

was, in 1864, over nine millions of bushels. But, under our system of free trade, half the oats exported from Prince Edward's Island seek the market of Great Britain; and a duty exceeding four cents per bushel, would probably either diminish the cultivation in Canada, or send a large portion to Europe.

Barley might possibly bear a duty of five or seven cents per bushel, but a higher duty would probably send it to the still or to Europe.

The coal of Pennsylvania meets the English coal at Montreal, and our exports through the lakes, including Lake Champlain, range from 103,000 to 171,000 tons annually, between 1861 and 1864, while we receive from Canada, annually, 100,000 to 150,000 cords of firewood. This interchange must progress with a return to specie payments and the extension of coal railways to Rochester and Oswego. But we import coal from the provinces, as well as export to them. Nova Scotia has extensive coal mines, once held in strict monopoly by the Duke of York. Most of them have reverted to the province, and grants are now made to individuals, reserving royalties. Some of our own citizens are opening mines in this region to supply our home demands. The chief mines at Sydney and Pictou are within nine miles of the sea-coast, and nearly free from the charges of railway transportation. The freights to the New England coast are often as low as the freights from the Chesapeake, and, in ordinary times, provincial coal can be laid down in the seaports of New England for five dollars per ton in specie.

It would seem as if nature had designed this region for the supply of our northeastern coast. The coal from Nova Scotia is bituminous, and thus differs from the coal of Pennsylvania, and is adapted for other uses, in gas works, forges, and furnaces. At least half of it is used for gas. Fifty thousand tons are annually used by one gas company, in Boston. It is used, also, to a considerable extent by the steamers which run to foreign ports.

While we place a tax on our own coal, it is doubtless just that this coal should contribute as much, or more, to our revenue; and, doubtless, a moderate duty of five or ten per cent. might be hazarded on this coal, on which we pay both cost and a large proportion of the freight to foreigners. The importation annually increases.

But we must not forget that if we impose a large duty it must fall in part on the consumer, and whatever falls on the provinces may check importation; that the eastern States require cheap coal to impel their engines, to heat their furnaces, and set their steamers in motion, as well as to meet the severity of their long winters; that if we are to compete in steam navigation with England, whose coal is nearer her ports, we must have cheap fuel. We have already resigned to her our passage money, freights, and ocean postages to encourage packets convertible into frigates, and now it is not easy to regain the ground we have lost, if we relinquish cheap fuel. Such considerations will, doubtless, prevent a heavy impost on such a necessary—which we take in payment for our breadstuffs—from shores adapted by nature to supply New England.

LUMBER.

Another article on which we might impose duties is lumber, which comes to us in the various shapes of timber, plank, boards, masts, spars, railway ties, laths, shingles, clapboards, and saw-logs. It comes principally from Canada. New Brunswick sends most of her surplus to foreign ports (where she competes with Maine) and less than twenty million feet to the United States, while Canada sends us lumber to the amount of five million dollars.

An average duty of one dollar per thousand, board measure, would add materially to our revenue, and, with a less impost upon our lumber, might enable us to raise annually from this article six or eight millions of dollars, as our home production was found, by the census of 1860, to exceed ninety-five million of dollars annually.

Nature has made on the lakes and rivers of Canada an immense provision of fish, which may be easily floated to our borders and thence to our great centres of production, and its bulk and the rapid diminution of our home supply would, doubtless, prevent a diversion if we impose a moderate duty.

There are strong arguments for a moderate duty. It will fall in part on the producer. We are wasteful in the use of lumber; we expose it to moisture and quick decay in fences, walks, and cellars, where hedges, stone, or brick would render more service; and if a tax checks consumption it will keep more in reserve for the wants of the future.

There is, too, no reciprocity as to lumber, for we export little or none to the provinces, unless it be a small amount of yellow pine and oak for ship-building, and some staves and clear pine from the west. Mr. Skead, of Ottawa, estimates that Canada has, upon lakes and rivers easily accessible, 287,000 square miles of pine forests and a large supply of valuable wood; less than one-tenth of her pine forests have been cut over.

FISH.

Another subject for duty is fish—not the white fish, salmon, or salmon-trout sent fresh to market, and caught upon the lakes and rivers of the provinces; not the smoked salmon or herring which come in small lots to market, or the fresh herring imported from Newfoundland for bait, but the dry codfish and salted mackerel, such as are the chief product of our deep-sea fisheries.

France gives a bounty to her fishermen of \$2 for every quintal they send to Boston or New York. Nature gives one to the provinces, Great Britain another by the remission of duties. The combined effect of these, aided by the pressure of our duties on salt, enabled the provinces to send us, in 1864, fish to the value of \$1,376,704, while France sent us the less amount of \$32,410, on which we realized a duty.

To meet the privileges of the provinces and the bounties of France we allow our vessels, which pursue the cod-fishery for four months, a remission of duties of \$4 per ton, a remission which is reduced by the new measurement. We accompany this by duties that average more than three times the amount of our remission.

Thus do we meet the rivalry of the world in conducting our great naval school of seamen. To meet the privileges and bounties of other nations our fishermen had their native energy and their home market left. We admit the foreigner to the latter, and now they have nothing to fall back upon but that native energy of which no one can rob them; which these amphibious men, like at home, at sea, or on shore, have ever exhibited. Is it just to give again the great home market for fish to the provinces, while we place a duty of fifty cents per quintal in gold on the French fish, and tax our own fishermen so severely? Should we not have full equivalents for admission to the home market, and should not some of these accrue to the benefit of our college of seamen? We have never resigned our rights to fish in the gulf of St. Lawrence, the bays

Fundy and Chaleurs, which are not bays of shelter and repairs, and exceed ten miles in width at their outlets; and our country will never resign them. The only right we have resigned is the right to fish within three miles of the coast and ports for shelter on the shores of Canada, Nova Scotia, Prince Edward's Island, and New Brunswick. But few fish are taken within a marine league of the coast, but it will often happen that when a fleet of several hundred vessels are in pursuit of a vast shoal of mackerel in the open sea, and loading their vessels, the fish will pass the invisible line, and a fleet manned by three thousand or six thousand men in close pursuit may follow. If the fish bite freely the fishermen rarely stop to measure distances. While the decks are piled up with fish there is little space to use the theodolite, and under such circumstances the

claim of the provinces of a right to confiscate the vessels for such harmless and accidental trespass is one which our country will not readily tolerate.* Such trespasses rarely injure, and the world is benefited by the addition to its food. Until we have a treaty let the nation make reparation for injuries sustained in such cases as one gentleman makes reparation to another, if he passes his boundary in the chase, but let the nation insist that the penalty shall not exceed the offence.

Does the forbearance of the maritime provinces insist upon claims to the exclusive use of great arms of the sea, in which our ancestors have fished for two centuries, such as the strait of Canso, the great bays of Fundy and Chaleurs, or their forbearance to seize and confiscate the vessels of one quarter of our fishing fleet, for trespasses often involuntary, entitle them to the possession of our home market, for admission to which we impose heavy taxes upon the fisheries of France? If it does, let the provinces have a full equivalent; but if they attempt again to seize vessels five or six miles from the shore, or even nearer, dismiss the crews, who sail on shares, in a state of destitution, strip the vessel, and when she is acquitted return her to the owners on payment of costs, with her salt melted, her lines, sails, and rigging gone, and the voyage ruined, and deny redress, the fishermen and the nation have a right to demand redress.† If the treaty expires and is not renewed, I would respectfully suggest that the government should despatch a squadron to the fishing grounds to see that our vessels are not molested and that our fisheries are not destroyed. If they do not we may well expect the fishermen who have been south under Farragut to follow the advice of General Dix, if any one attempts to haul down the American flag.

Has England suffered from the Dutch who have for centuries caught herrings on her coast? Have the provinces suffered loss by the occasional capture of a few fish near their shores? If they have, let the nation recognize the claims and assume the debt, and thus sustain the treaty; but the great fact stands out in bold relief, that under the treaty of reciprocity for the last eleven years, the fisheries have been pursued outside and inside of the three-mile line; the fishermen have enjoyed all their ancient rights, and no serious claims for losses have been made public. Should we admit the fish of the provinces at a duty of ten per cent., they will still have a decided advantage over the fish of France, while the small duty that protects the fishermen during the period of high taxes will aid the revenue.

If a new treaty is made, the commissioners will doubtless examine the sources of revenue to which I have adverted; but if we ask concessions we must be prepared to concede also, and approach the subject in a kind and liberal spirit; and if we can obtain the more important objects of the treaty, the extension of the free list, the safety of the fisheries, the protection of our present revenue, and the reduction of expenses on our frontier, we can afford to resign a part of the income to whose sources I have drawn attention, and still have a treaty beneficial to all the contracting parties, although it may leave the provinces some reasons for a still closer union.

Under our present tariff the productions of the provinces now free will be subjected to the following duties:

Bituminous coal, per ton.....	\$1 25†
Leather	35 per cent

* Such confiscation is not sanctioned by the modern law of nations. It was abolished by France as a punishment as far back as 1790; is pronounced an outrage on the civilized world by Chief Justice Marshall in *United States vs. Conteman*, *Peters's Reports* 7, page 86, cited as law by *Philmore on International Law*, vol. 3, page 743. *Wharton* 595.

† The Hon. Mr. Sabine gives me such a case, occurring prior to the reciprocity treaty.
‡ In currency, \$1 80 per ton.

.....	20 per cent.
ctures of wood	35 per cent.
worth over 32 cents a pound.....	12 cents per pound and 10 per cent.
, per barrel	\$3 00
el, per barrel.....	2 00
h, per quintal.....	50
, per bushel.....	20
er bushel.....	10
, per bushel.....	15
ad valorem.....	20 per cent.

er such duties it is safe to predict that our commerce will rapidly dimin-
he duty on dry fish is the only low duty among them. That duty is less
n per cent. at present.

REGISTRY AND COASTING TRADE.

There is a strong desire on the part both of Canada and the maritime provinces
for admission into the coasting trade and the privilege of registry for their
ships in the United States. We have a vast coasting trade, and an important
route around the Cape with California, and they have no equivalent of equal
to offer; but we should at least allow our own citizens who have placed
vessels under the British flag to avoid the cruisers of the enemy, to register
their gain under our own; and at the present time, when we are suffering from
the loss of so many vessels, and coal freights between Philadelphia and Boston
have risen from \$2 to \$4 75 per ton, it is an important question whether we
should not admit, at least for a brief period, a supply of vessels from the colonies
at a rate not exceeding \$5 per ton, without injury to the ship-builders. This
will replenish our stock of vessels and alleviate the charges for coal, now sell-
ing at \$15 per ton in the ports of Maine and Massachusetts. I am not, how-
ever, prepared to recommend such a step without further consideration.
It will be difficult to adjust all pending questions without a treaty, and such
a treaty should secure to us the right of imposing taxes on articles imported
into the provinces, when we impose taxes on the same articles produced at home.
The treaty, too, must be one of equivalents, so that no other nations may
claim a reduction of duty under any agreement to place them on the footing of
the most favored nation. If we exclude our chief importations from distant na-
tions from the free list, and require equivalents, they will see no favor in the
treaty, and the treaty might provide that any article for which such claim shall
be established may be stricken from the free list.
There are a few opponents of a treaty who fear that a new treaty with the
United States may tempt our citizens to cross the lines and establish their mills and
factories in Canada. It is doubtless true that we at this moment tax pro-
cesses and locomotion most severely; that the amount of our imposts on manu-
factures and freight, with the state of our currency, deter our inhabitants from
building ships, steamers, mills, and houses, of which there is at this moment a
great deficiency.
The return to specie payments is already foreshadowed; and there is rea-
son to hope that the able commissioners who have, with indefatigable industry,
explored the sources of our revenue, will soon recommend the removal of all
taxes on production, will liberate entirely our coal and iron from internal du-
ties, and adopt the recommendation of our President, in his late message to Con-
gress, to remove all taxes upon railroads. If they throw, as we may well pre-
sume, half our taxes upon cotton, liquors, and tobacco, and the greater portion
of the residue upon the luxuries we import; if they tax licenses, stamps, pe-
titions, lumber, banks, and dividends, the taxes upon our farms and mills will

be so light, and our climate, soil, and capital be found so much superior to those of the provinces, that we shall tempt their citizens to emigrate.*

If under the treaty our commerce with the provinces has in twelve years increased threefold, and in that commerce the tonnage arriving and departing from our ports exceeds 6,600,000 tons; if in this tonnage we have the preponderance; if our country has made rapid progress both in population and wealth, is there reason to dread the operation of a new treaty more favorable to our own productions than the treaty expiring?

COMMISSIONERS.

The commissioners to negotiate a new treaty of reciprocity with great Britain should be men who are conversant with commerce, the fisheries and treaties, and men who will leave no questions for the future.

We owe to John Adams, of Massachusetts, the incorruptible patriot, the founder of our navy, the treaty of 1783, which secured the fisheries. Although his colleagues were lukewarm, he appreciated their value; and although his native State was exhausted, and owed debts that exceeded the value of her property, he told the British commissioners he would fight on until our rights were admitted. His treaty preserved them entire, as our fathers held them.

At the treaty of Ghent, in 1814, the treaty of '83 was considered the basis of our rights—the quitclaim deed of Great Britain. Our commissioners took the ground that we should consider all the rights it granted established, and Great Britain acquiesced. But a few years afterwards Great Britain denied those original and fundamental rights we had won by the sword and treaty, which she had once abandoned, and then recognized as our own; she told us we had resigned them by the treaty with Ghent. She molested our fishermen and denied them shelter in her ports. We were obliged to treat again. A convention was made with her by Rush and Gallatin in 1818, and to secure shelter, and under the pressure of unjust claims, they resigned our right to fish on certain shores within three miles of the coast, inlets, harbors and bays, stipulating that we might enter those inlets, harbors, and bays for shelter from storms or for repairs. For many years Great Britain acquiesced in our construction, but subsequently set up a new construction, and seized our vessels, molested our vessels, and our fisheries, instead of keeping pace with our national progress, actually declined a third, and we were thus compelled to fight or make another treaty, the treaty of reciprocity.

The value of our fisheries was appreciated in the early days of the republic. The "Federalist" speaks of our three great rights—the right to the lakes, the right to the rivers, the right to the fisheries.

It has been suggested that we may regulate our intercourse with the provinces by concurrent legislation and dispense with a treaty, and this suggestion must be treated with respect, as it might enable us to alter our duties. But how are we to legislate in concurrence with five different provinces, each of which may repeal to-morrow the act of to-day—provinces whose interests are different and sometimes conflicting?—who may require months, and possibly years, for their union unless we accelerate it by refusing a treaty? One is absorbed in the fisheries, another in agriculture, another in commerce and mines, another in lumber and ship-building, while a fifth has little to do with mines, and still less with fisheries, but is devoted to canals, railways, forests and agriculture. One cares little for the three-mile line which encircles some provinces; others deem it important and the great shoals of mackerel may cross the line of three provinces in a day. One province controls the mouth of the St. John, which flows through the land of Maine and Massachusetts; another the St. Lawrence. One has free ports

* It is reported that out of 20,000 emigrants from Europe to Canada in 1865, 12,000 have come into the United States.

our borders, and no charges for lights or anchorage ; others, oppressive charges light-houses, pilotage, and anchorage. With proper reservations in a new treaty we may provide for future duties, or for the termination of the treaty on six months' notice ; and if England perseveres in her refusal to do us justice, and compels us to make reprisals on her commerce for injuries done to our own, and war ensues, it will terminate the treaty, unless we neutralize the interests of the provinces. If we have other questions to settle with England, will the adjustment of one pave the way for the adjustment of all ?

BRITISH TREATIES.

By the treaties of 1783 and 1814 the boundary line was to run from the source of the St. Croix to the northwest angle of New Brunswick, then Nova Scotia, and thence by the highlands that divide the waters running into the sea from those that flow into the St. Lawrence.

But great Britain subsequently discovered that these highlands came near Quebec, and a distinguished surveyor told me at Quebec, in 1838, that England would never allow us to come so near their chief fortress and the great highway to Canada. Such was the result. England could never find the northwest angle of New Brunswick, although the line between Canada and that province is discoverable and has since been discovered, and the line running north from the sources of the St. Croix was determined, and those lines, protracted, necessarily intersect. Regardless of this, England put forth the pretension that the highlands we claimed severed the waters of the St. Lawrence from those of the St. John, and that it did not run into the sea, but into the bay of Fundy, although most of the rivers of Maine pass through bays on the way to the sea.

By such constructions, by great urbanity, and our desire for peace, Lord Ashburton obtained the territory in dispute.

By this Ashburton treaty, Maine and Massachusetts were to have the free navigation of the St. John river for their timber on its upper waters, but New Brunswick, with the express or implied sanction of Great Britain, deprived us of the right guaranteed by treaty. She exempted, as Mr. Sabine, secretary of the Boston Board of Trade, informs me, her lumbermen from the license money previously paid on crown lands, and in place of it imposed an export duty on American and British lumber, thus exacting a tax nearly or quite equal to the value of the British timber, as it stood in the crown lands of the province.

Mr. Everett urged its remission, but failed to obtain it, and on his return stated to a gentleman, from whom I receive the information, that Mr. Calhoun, of the United States, then in office, instructed him to press no further for a remission. Under the Ashburton treaty of 1841, we resigned also British Columbia, including the gold mines of Frazer river, possibly within our lines, and Vancouver's island and part, south of 49 degrees—to a large part of which our right was conclusive—I now, in construing that treaty, Great Britain wishes to deprive us of all right to the main channel and the islands between such channel and the main.

Then we made the reciprocity treaty. In making it we were assured that Great Britain and the provinces were inaugurating the system of free trade ; that duties on our products were low, and we could pay in goods for the breadstuffs and raw material of Canada ; and we in good faith executed the treaty. It took effect March 17, 1855, as before stated, and Canada, with the implied consent of Great Britain, contrary to the understanding of the negotiators, began to raise her duties. By 1859 they were generally advanced.

Again : by this treaty the citizens of the United States were to navigate the St. Lawrence and British canals as freely as British subjects ; but under this treaty the citizens of the United States who passed through the Welland canal to the American ports of Oswego and Ogdensburg have been compelled to pay three times the tolls that are paid by the provincials and others who passed down the British ports of Montreal and Quebec by the canals of Canada.

Again, in the importation of foreign goods into Canada, those imported by the St. Lawrence or Grand Trunk railway have been charged a lower *ad valorem* duty than those which came *via* Boston or New York.

It is to be hoped that we shall hereafter, in making treaties with the provinces and Great Britain, cover the entire ground, and make treaties that admit of but one construction, and do our country justice.

If Great Britain desires to propitiate this country after all that has occurred, would it not be her true policy to cede to us a portion of her remote territories, valuable to us, but of little value to her? Were she to cede to us Vancouver's island, and British Columbia, so important to our Pacific coast, and so remote from England, and settled in great part by our own citizens, might she not easily bring our claims to a peaceful solution, and would not this be preferable to a specie payment or reprisals for the ravages of her cruisers? Might she not thus remove the precedent of the Alabama, so dangerous to her own commerce?

She has of late reduced her estimate of the value of foreign colonies and advised us to divide, and may she not be tempted to resign western Columbia and a distant island, if she could thereby retain our commerce and avert the *ultima ratio regum*.

I respectfully submit this to the consideration of the government.

Great Britain could afford to give Austria such a precedent for resigning Venice, and thus induce Europe to promote trade by reducing its standing armies. I assume, however, that Great Britain will conclude to do us justice and will unite with the provinces in making an equitable treaty of reciprocity, under which our seaboard States, to which the provinces send most of their animals, coal, coarse grains and timber, may pay for them as they pay for produce from our western States, with their varied manufactures.

In conclusion allow me to suggest the policy of adopting as a basis for a new treaty with Great Britain and the provinces the following provisions, or as many of them as can be obtained:

First. That neither party shall establish or maintain, either in the provinces or on the waters that flow into the gulf of St. Lawrence, or within fifty miles of the same, any free port whatever.

Second. That each party shall make all reasonable exertions to discountenance and punish illicit trade between each of the provinces and their vessels and the United States, by allowing no shipments except by proper manifests and documents, and with reasonable security against smuggling.

Third. That each party may impose any duties and imposts whatever upon spirits, malt, malt liquors, wines, cordials, tobacco and its products, silks, satins, laces, velvets, sugar and molasses from the sugar cane, coffee, tea, cocoa, spices, broadcloth, and cotton cloth worth more than one dollar per pound, with this proviso, that each party shall impose duties of at least sixty cents per gallon on spirits and cordials, of at least fifteen cents per pound on manufactured tobacco and tea, and four cents per pound on coffee, spices and cocoa, and two dollars per pound on silks, satins, velvets and lace, imported into either country.

Fourth. That the schedule of articles to be imported free be changed as follows, viz: the articles of cotton, lumber, fish and coal to be taken therefrom, and the additions made which are suggested in the annexed draught of a treaty.

Fifth. That specific duties of one dollar per thousand, board measure, on lumber, ten per cent. on coal and fish, be imposed. That no duties exceeding twenty per cent. be imposed on any products of each country not enumerated.

Sixth. That any citizen of either country may take a patent or copyright in the other by one process not more costly than the process here.

Seventh. That goods received in Canada through or from the United States in original packages, shall be valued in gold for duty at the cost in the country where they were produced, as if they had come direct, and *vice versa* on importations through Canada.

Eighth. That no diminution shall be made on tolls on Canadian canals or ways in favor of vessels or goods passing between Lake Erie and points below Ogdensburg, as against parties using the Welland canal only. That no port duties or charges of any kind be imposed on American timber from Maine, ascending St. John river.

Ninth. That navigation for vessels drawing 12 to 14 feet each be secured through Lake St. Clair, around the falls of Niagara, down the St. Lawrence into Lake Champlain, for both countries, and that the canal from Lake Michigan to the Illinois river be deepened.

Tenth. That vessels built in either country may be sold and registered in the other, on payment of a duty of five dollars per ton, for a limited period.

Eleventh. That the treaty be extended to Newfoundland, western Columbia and Vancouver's island.

Twelfth. And if possible, that the rights to the fisheries conceded by treaty of 1783 and re-established by reciprocity treaty, be made perpetual. And if, as an inducement for this treaty and in settlement of Alabama claims, we can obtain cession of Vancouver's island or other territory, it will be a consummation most devoutly to be wished for. Such a treaty would be indeed a treaty of reciprocity; under it our exports to the provinces would rapidly increase. The export of our manufactures, which from 1856 to 1863 dwindled, under onerous duties, from seven and one-half to one and one-half millions dollars, would, doubtless, soon recover the ground it had lost, and a growth of eight or ten million in our exports would diminish the call for specie to balance our account and give our merchants facilities to make further purchases in the provinces. Canada, under such a treaty, would doubtless prosper. Return freights from this country would, reduce the freight of breadstuffs; the ships we should receive from the provinces would swell our marine, instead of that of England, and contribute something to the national revenue, without injustice to our own ship-builders.

Under such a treaty there would be a fair rivalry between New York and Canada for the improvement of their respective canals, and if Great Britain should aid Canada in opening ship canals from Ogdensburg to the city of Montreal and Lake Champlain, and it should be the policy of our country to carry a ship canal around the Falls of Niagara, New York might be stimulated to connect Lakes Ontario and Champlain with the Hudson by ship canals or railways like the Reading railway, with a regular descent to the deep waters of the Hudson and the tunnel route to Boston. Should such measures be adopted we may place our trust in the advantages which climate, and open seas, and safe navigation, and harbors rarely closed by ice, give to our great seaports, and may safely rely upon the future of our country.

Most of the views taken in this report have been confirmed since it was written by a conference with some of the most able and influential men in the provinces, and there is no reason to doubt that a treaty can be negotiated more satisfactory than that repealed.

There is reason to believe that most of our productions may be placed on the free list, that the free ports may be discontinued, that duties imposed for revenue may be assimilated, and discriminating tolls and duties, if any now remain, be discontinued, and possibly some revenue drawn from several of the important staples of Canada. And after the conference I have held, it is but just to Canada and her ministers to say that the duties imposed by Canada may be in part ascribed to unfavorable seasons between 1856 and 1863, and to the pressure of debt of seventy millions incurred in great part for public improvements, still productive, and to an extreme solicitude to develop trade and revenue proportionate to her large expenditure.

During this conference the idea of extending the treaty for another year, to give time to negotiate and to avoid a collision in the fisheries, was suggested. It

will be difficult to have a new treaty ratified by all the parties before the 17th of March, 1866. And I respectfully recommend that power should be given to the President to extend the treaty of reciprocity for a single year if Canada shall, before the 1st of April next, discontinue her free ports and check illicit trade by raising her duties on spirits to the point at which our revenue commissioners shall recommend our government to place it, and shall repeal her duties on the articles named in the annexed draught of a treaty. Such a repeal she is disposed to make, and it would be an earnest of a better treaty.*

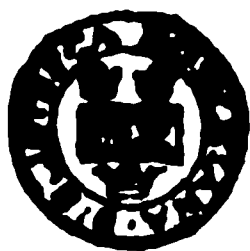
I submit with this preliminary report a series of tables, some valuable documents, and the draught of an act for the temporary extension of the treaty.

I have the honor to be, very respectfully,

E. H. DERBY,

Commissioner of the Treasury Department.

BOSTON, MASSACHUSETTS, *January 1, 1866.*



APPENDIX.

AN ACT to provide for the temporary renewal of the treaty of reciprocity with Great Britain and the British provinces of North America.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled: SECTION 1. That the President of the United States is hereby authorized, by and with the advice and consent of the Senate, to enter into a treaty with the United Kingdom of Great Britain and Ireland, and with each and all of the British provinces of North America, either severally or in their aggregate capacity, for the extension of the treaty between said parties and the United States, to regulate the trade between said provinces and the United States, which was ratified June 5, 1854, for the further term of one year from the 17th day of March, A. D. 1867, when the same shall terminate.

SEC. 2. Such extension shall not be made until the province of Canada has repealed all duties and taxes whatever on the following products of the United States that during such extension shall be imported into Canada, or shall be held in bond when such extension shall take effect, viz: salt, cars, locomotives, vehicles of all kinds, machinery, furniture, tools, implements, soap, starch, boots, shoes, leather, horseshoes and horseshoe nails, harnesses, tacks, brads, watches, music and musical instruments, clocks, tin and wooden ware, mousseline de laines, coarse shawls, satinets, and sheetings and shirtings worth less than one dollar per pound, and has raised her internal tax and duty on spirits to at least seventy-five cents per gallon, wine measure, and discontinued her free ports on Lakes Huron and Superior.

SEC. 3. Said treaty for extension shall also provide that the United States may impose any internal taxes on the productions of the provinces which they levy upon their own products of the same kind.

SEC. 4. The President of the United States is hereby authorized to appoint two persons, of suitable character and ability, commissioners or envoys, to negotiate a treaty with said United Kingdom and with said provinces, either jointly or severally, to regulate the commerce and navigation between the respective

* The St. Lawrence, for more than nine miles below Montreal, to a width of three hundred feet, has been deepened seven feet, at a cost estimated at less than \$1,000,000 for moving five million yards of earth. Less than one-eighth of the lake freight goes down to Montreal. For ten years, between 1845-1855, the charge for freight from Montreal to Liverpool averaged twice the charge from New York to the same port.

territories and people of said province and the United States, on terms reciprocally beneficial.

SEC. 5. It shall be the duty of such commissioners to provide, if possible, for the permanent security of the fisheries of the United States, to secure the free interchange of the chief products of art and manufacture, as well as the products of the forests and agriculture, and other products, between said provinces and the United States, to secure, if possible, the discontinuance of any free ports that may endanger revenue, and the assimilation of duties on articles fixed by the two countries, and the removal of all charges for lights and compulsory pilotage, and all discriminating tolls and duties, and for improved navigation between Lake Michigan and the Mississippi around the Falls of Niagara and between Lake Ontario, Montreal, and Lake Champlain.

SEC. 6. A suitable compensation for said commissioners, and for their clerk hire, office rent, and other expenses, not to exceed in the aggregate _____, shall be fixed and determined by the Secretary of the Treasury.

SEC. 7. All articles produced in any of the provinces, which, under the provision of the treaty for extension, if made, shall be freely admitted into Canada from the United States, shall, during the year of extension, be freely admitted into the United States from Canada, if produced in that country.

Tonnage entered inward from the United States in all the provinces of British North America.

Years.	Tons.		
	U. States.	British.	Total.
1816	75,807	18,378	94,185
1820, '21, '22, average	66,029	10,464	76,593
1830	54,633	20,755	75,388
1840	357,073	401,676	758,749
1850	994,808	972,327	1,967,135
1864	1,665,494	1,446,347	3,112,541

Imports into the provinces of British North America in different years.

Date.	From Great Britain.	From United States.	Total.
1840	\$15,385,166 00	\$6,100,501 00	\$21,485,667 00
1849	11,346,334 00	8,342,520 00	19,688,854 00

Exports and imports of the same in commerce with the United States.

Date.	Exports to United States.	Imports from same.
1860	\$4,989,708 00	\$8,623,214 00
1861	4,417,476 00	8,383,755 00
1862	4,046,843 00	8,236,611 00
1863	5,207,420 00	11,382,311 00
1864	7,947,897 00	12,328,312 00

Aggregate tonnage of the provinces of Canada, New Brunswick, Nova Scotia, Newfoundland, and Prince Edward's Island, at various periods since 1800

Year.	Tons.
1806	71,
1830	176,
1836	274,
1846	399,
1850	446,

Tonnage of new ships built in the above provinces in several years since 1832

Year.	Tons.
1832	33,
1841	104,
1849	108,
1850	112,
1862	109,

Tonnage owned in Great Britain, built in the provinces in 1847.

Built in Canada.....	154,
Built in Nova Scotia.....	103,
Built in New Brunswick.....	298,
Built in Prince Edward's Island.....	56,
Built in Newfoundland.....	5

CANADA.

Date.	Entries from Canada in the United States.		Clearances to Canada from United States.	
	American tonnage.	Foreign tonnage.	American tonnage.	Foreign tonnage.
1851	1, 364, 390	1, 047, 628	906, 988	
1860	2, 617, 276	658, 036	2, 678, 505	
1861	1, 996, 892	684, 879	2, 025, 670	
1862	2, 487, 373	683, 411	2, 398, 924	
1863	2, 307, 233	743, 136	2, 181, 065	
1864	1, 411, 913	959, 049	1, 429, 347	

Maritime provinces—Commerce with United States.

Date.	Entries.		Clearances.
	American tonnage.	Foreign tonnage.	American tonnage.
1860	184, 062	475, 051	291, 051
1861	196, 709	475, 051	297, 051
1862	246, 821	397, 702	292, 702
1863	213, 251	420, 961	280, 961
1864	254, 281	487, 908	339, 908

Imports into Canada from abroad.

Date.	By St. Lawrence.	By United States.	Total.
.....	\$8,540,000 00	\$7,404,800 00	\$15,945,600 00

Exports from Canada.

.....	\$7,474,496 00	\$5,813,500 00	\$13,287,996 00
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of breadstuffs and other articles exported to Canada from United States in different years.

Date.	Breadstuffs.	Other articles.	Aggregate.
.....	\$3,680,098 00	\$17,003,143 00	\$20,683,341 00
.....	3,418,066 00	13,156,849 00	16,574,695 00
.....	4,198,222 00	13,830,972 00	17,029,254 00
.....	3,510,638 00	15,430,154 00	18,940,792 00
.....	2,913,139 00	11,169,975 00	14,063,114 00
.....	5,172,588 00	9,189,270 00	14,361,858 00
.....	5,416,853 00	7,435,651 00	12,842,504 00
.....	9,588,390 00	10,310,328 00	19,898,718 00

he above columns are included: 1860, specie, \$14,444; 1861, \$863,308; \$2,530,297; 1863, \$4,651,679.

above breadstuffs the following amount was exported by St. Lawrence: \$1,846,462; 1861, \$3,103,153; 1862, \$5,320,054.

grains exported from Canada to the United States, from official returns.

Date.	Oats, bush.	Value.	Barley, bush.	Value.
.....	6,788,351	\$4,182,856	.....	.....
.....	3,654,380	1,509,277	.....	.....
.....	1,671,223	483,662	2,090,279	\$1,069,580
.....	2,563,323	1,050,803	1,810,589	1,509,978
.....	9,549,994	2,960,737	2,814,289	2,904,124

of manufactured articles of the United States exported to Canada and paying duties.

.....	\$264,451	1861	\$3,501,642
.....	4,185,516	1862	2,596,930
.....	3,548,114	1863	1,510,802

Vessels built.

	<i>Tons.</i>		<i>Tons.</i>
1832	4,414	1859	17,036
1838	5,916	1860	23,993
1841	20,707	1861	33,187
1847	38,489		

Entries and clearances of ships via St. Lawrence gulf and river. Tonnage inward and outward by sea at Quebec, for several years.

<i>Date.</i>	<i>Inward.</i>	<i>Outward.</i>	<i>Total.</i>
	<i>Tons.</i>	<i>Tons.</i>	<i>Tons.</i>
1844	451,142	453,894	905,036
1845	576,541	584,540	1,161,081
1846	568,225	574,372	1,142,597
1847	479,124	489,817	968,941
1848	452,436	457,430	909,866
1849	465,088	481,227	946,315
1850	464,804	494,821	959,625
1851	533,821	586,093	1,119,914

Tonnage, via St. Lawrence, to and from the sea.

<i>Date.</i>	<i>Inward.</i>	<i>Outward.</i>
1857	748,425	731,387
1858	613,813	632,646
1859	641,662	640,571
1860	831,432	821,791
1861	1,087,128	1,058,067

Imports and exports in commerce with the world.

<i>Date.</i>	<i>Imports.</i>	<i>Exports.</i>
1850	\$15,945,600 00	\$13,287,286 00
1851	24,006,028 00	11,341,738 00
1859	33,555,161 00	24,776,921 00
1860	34,441,621 00	34,631,800 00
1862	48,600,633 00	31,679,045 00
1865	44,620,469 00	42,481,151 00

Imports and exports in commerce with the United States.

<i>Date.</i>	<i>Imports.</i>	<i>Exports.</i>
1860	\$14,083,114 00	\$18,851,000 00
1861	14,361,858 00	18,645,427 00
1862	12,842,504 00	15,253,120 00
1863	19,898,718 00	18,812,000 00
1864	15,658,429 00	30,274,125 00

*ement of the tonnage on the canals of Canada for four successive years,
1860 to 1864.*

Welland canal :

0, tons of freight up and down.....	944, 034
1, tons of freight up and down.....	1, 020, 483
2, tons of freight up and down.....	1, 243, 774
3, tons of freight up and down.....	1, 141, 120

St. Lawrence canal :

0, tons of freight	733, 596
1, tons of freight	886, 900
2, tons of freight	964, 394
3, tons of freight	895. 133

Chambly canal :

0, tons of freight	217, 117
1, tons of freight	116, 239
2, tons of freight	148, 291
3, tons of freight	253, 319

Tonnage by Canadian canals—movement on Welland canal.

9, tons transported.....	709, 611
0, tons transported.....	944, 884

Comparative tonnage of American and Canadian vessels passing
ough the Welland canal in 1863 :

74 American vessels, tons	808, 289
25 Canadian vessels, tons	521, 808

Movement on St. Lawrence canal.

10, tons transported.....	631, 769
10, tons transported.....	733, 596

Receipts in Montreal by La Chine canal in 1862, were—

eat, bushels.....	7, 779, 727
ur, equal to bushels.....	3, 861, 935
ian corn, bushels.....	2, 691, 261
pped.....	11, 262, 728

Tonnage by Grand Trunk railroad.

verage movement in transit trade via Grand Trunk, from England to Canada,
1854 to 1864, \$4,500,000 per annum. Estimated earnings of Grand Trunk,
5, \$6,200,000. Cost of line, \$82,000,000.

Coal imported from maritime provinces into the United States.

Date.	Tons.	Value.
.....	120, 446	\$363, 671 00
.....	133, 218	396, 222 60
.....	136, 733	387, 710 00
.....	122, 708	372, 154 00
.....	149, 279	497, 359 00
.....	204, 420	702, 165 00
.....	192, 544	614, 057 00
.....	282, 767	757, 048 00
.....	317, 500	883, 779. 00

Freight from Pictou to Boston has averaged not far from two dollars, in per ton during 1865; less than the freight from Baltimore to Boston.

NOVA SCOTIA.

Date.	Imports.	Exports.
1829.....	\$4,730,064 00	\$2,639,000 00
1832.....	7,380,509 00	4,717,300 00
1838.....	6,139,531 00	4,902,900 00
1843.....	4,221,163 00	3,408,700 00
1848.....	4,024,382 00	2,514,100 00
1861.....	7,613,227 00	5,774,500 00
1862.....	8,450,042 00	5,646,400 00

PRINCE EDWARD'S ISLAND.

Date.	Imports.	Exports.
1845.....	\$121,937 00	\$70,200 00
1850.....	630,475 00	360,400 00
1861.....	1,049,675 00	815,500 00

NEW BRUNSWICK.

Shipping built in various years.

1833, tons	17,837	1846, tons	40,
1836, tons	29,643	1847, tons	53,
1838, tons	29,167	1848, tons	22,
1839, tons	45,864	1849, tons	36,
1840, tons	64,104	1859, tons	36,
1843, tons	14,550	1861, tons	40,

Exports and imports of the province of New Brunswick, at different periods its commerce with all places.

Date.	Imports.	Exports.
1828.....	\$3,089,188 00	\$2,397,704 00
1834.....	3,749,601 00	2,778,730 00
1836.....	5,997,777 00	3,122,950 00
1839.....	7,263,378 00	3,932,530 00
1842.....	2,593,473 00	2,339,600 00
1846.....	4,972,876 00	4,256,400 00
1848.....	3,021,158 00	3,068,150 00
1849.....	3,330,847 00	2,887,000 00
1851.....	4,852,440 00	3,780,100 00
1862.....	6,199,701 00	3,855,500 00

Duties, in 1850, on anchors, canvas, cordage, cables, copper bolts, seines, sails, rigging, and tar, one per cent. Tools, bread, biscuits, &c., ten per cent. Boots, shoes, vehicles, clocks, chairs, brooms, musical instruments, wooden matches, &c., twenty per cent.

Other articles, in part free, in part under a small duty.

Exports from Newfoundland.

quintals of fish.....	386,274	1830, quintals of fish.....	948,643
quintals of fish.....	591,276	1835, quintals of fish.....	712,588
quintals of fish.....	600,000	1837, quintals of fish.....	524,696
quintals of fish.....	625,919	1840, quintals of fish.....	915,795
quintals of fish.....	1,180,661	1841, quintals of fish.....	1,009,725
quintals of fish.....	899,729	1848, quintals of fish.....	920,366
quintals of fish.....	973,464		

United States vessels engaged in the fisheries, exclusive of the whale fishery.

1845.....	26,510	1845, tons.....	91,238
1846.....	60,812	1850, tons.....	143,758
1847.....	70,626	1855, tons.....	124,552
1848.....	97,500	1860, tons.....	162,763
1849.....	137,800	1862, tons.....	203,459
1850.....	104,300	1863, tons.....	168,000

vessels are sailed in shares, and all are interested in the voyage. The owners provide vessel, tackle, stores, and outfit, and receive half the fish each man claims half the fish he takes. The annual sum paid out by the owners, including payments of shares to the crews and renewals, and all disbursements, are computed to exceed \$800,000; and as the business makes some returns on capital, we may estimate it to produce for 1865, as above, \$14,000,000. 165 vessels in the cod fishery are estimated to average from 800 to 1,000 barrels of dry fish. In the mackerel business, from 500 to 700 barrels. Dry cod is now worth \$8 to \$9 per quintal, and mackerel \$12 to \$15 per barrel.

Number of vessels engaged in cod and mackerel fishery, as estimated at the Register's office, Treasury Department, November 24, 1865, by J. A. Graham, Assistant Register.

1858.....	2,680	1858.....	2,877
1859.....	2,591	1859.....	3,044
1860.....	3,262	1860.....	3,168
1861.....	2,996	1861.....	3,666
1862.....	2,627	1862.....	3,815
1863.....	2,418	1863.....	3,196
1864.....	2,414	1864.....	3,000
1865.....	2,460		

Value of products of fisheries imported from the maritime provinces into the United States.

1858.....	\$1,935,960
1859.....	1,867,259
1860.....	1,744,704
1861.....	2,150,420
1862.....	2,116,412
1863.....	1,716,813
1864.....	1,020,208
1865.....	908,024
1866.....	1,376,704

Value of the fisheries of the United States for 1859, by Hon. L. Sabine, Secretary of Boston Board of Trade.

Official tonnage alone is official. The sea and whale are estimated on official facts. The shell, lake, river, &c., rest on some well ascertained facts.	
as cod, hake, haddock, mackerel, halibut, pollock, and sea herring:	
Value.....	175,306
Value of fish and oil.....	\$6,730,000
Value of vessels invested.....	7,280,000

Official tonnage is less. The difference is added for boats employed in the shore fisheries which are neither enrolled nor licensed.

Tonnage in whale fishery	185,728
Capital invested	\$23,850,000
Value of oil, bone, and sperm candles.....	19,280,000
Shell, as oyster, lobster, turtle, clam, &c., &c.....	5,325,000
Lake and river, brook and stream—say salmon, shad, white fish, river herring, alewives, trout, pickerel, &c., &c.....	2,375,000
Fish taken purposely for manure, value.....	260,000

Summary of annual products.

Cod, &c.....	\$6,730,000
Whale	19,280,000
Shell	5,325,000
Lake, river, &c.....	2,375,000
For manure.....	260,000
Total	<u>33,970,000</u>

Erie canal.

Tonnage arriving at tide-water by Erie canal from the western States: In 1840, 158,148 tons; in 1845, 304,551 tons; in 1850, 773,858 tons; in 1855, 1,092,876 tons; in 1860, 1,896,975 tons; in 1862, 2,594,837 tons.

The revenues of the Erie canal were: For 1861, \$3,402,628 30; for 1862, \$4,854,989; for 1863, \$5,042,005. Revenue of Champlain canal \$163,000; tonnage 658,000.

Between 1851 and 1854 the tolls were removed from the Central railway; and the New York and Erie, Ogdensburg, Baltimore and Ohio, Grand Trunk, and Great Western railways were completed. The tonnage of the Central and New York and Erie lines was, in 1862, over 3,000,000 tons, and has since greatly increased.

Length, dimensions, and lockage of chief canals of Canada.

The Welland canal, between Lakes Erie and Ontario: Length, 28 miles; locks, 28. Fall from Lake Erie, 334 feet. Locks, 180 feet by 27 feet; depth, 10 feet. Admits vessels of 400 tons, drawing 9 feet.

St. Lawrence canals: Length, 44 miles. Locks, 27. Ascent from Montreal to foot of Lake Ontario, 222 feet. Depth in locks, 9 feet. Admit vessels of 300 tons. Vessels drawing 20 feet water now ascend to Montreal; but as the depth of canals is determined by that of Lake St. Clair, which does not admit vessels drawing over 9 feet, it is proposed to deepen these canals to 10 feet, and alter dimensions of locks to 250 feet length by 50 feet width, which will admit vessels drawing 9 feet and of capacity of 750 tons.

The Caughnawaga canal, which it has been proposed, in Canada, to construct from the St. Lawrence to the St. John, at the foot of Lake Champlain, by one route requires five locks, by another requires but two locks, and would be 36 miles long. It was proposed to have locks 230 feet long by 36 feet wide, and 10 feet water on the sills, admitting vessels of 850 tons.

From Whitehall, at the head of Lake Champlain, to West Troy, the distance is 67 miles; the lockage, 204 feet. The locks admit small vessels only.

As the summit level is but 54 feet above Lake Champlain, the lake may possibly be used as a summit level, and there are great facilities for a ship canal. It has been estimated that \$12,000,000 will carry ship canals and navigation from the St. Lawrence to the deep waters of the Hudson.

A ship canal from the St. Lawrence to Lake Champlain has been recommended to the Canadian government by Messrs. Young and Robinson, chief commissioners of the public works; also by Mr. W. H. Merritt, in his report upon the public works of Canada, and by a nearly unanimous vote of the house of

m- bly of Canada. It has been recommended, also, by the boards of trade
oston, Kingston, Montreal, and other cities.
he route has been surveyed by J. B. Mills, esq., and by Messrs. Jervis,
ft and Child, civil engineers.
uch are the levels that a dam in the Hudson, at the Highlands, of 150 feet
eight, would send back the stream to the St. Lawrence.
he estimates of Mr. Jervis for a ship canal between the St. Lawrence and
e Champlain, ranged from \$3,500,000 to \$4,500,000. Mr. Swift's estimate
but \$2,083,000.

BOSTON.

The commerce of Boston affected by the treaty of reciprocity exceeds
7,000,000 annually, viz: Imports from and exports to maritime provinces,
000,000 ; outfits and returns in deep sea fisheries, \$11,000,000 ; imports
wool, grain, and animals across frontier of Canada, and entered there, with
urns, at least, \$10,000,000.

ord of smuggling cases since April 1, 1865, at Detroit, Michigan, fur-
ished by J. B. Brown, esq., United States assistant district attorney
December 3, 1865.

nber of arrests made	120
nber of indictments found	94
nber of convictions	38
nber of indictments undisposed of	55
nber of acquittals	None.
ount of fines imposed and paid	\$1, 925 00
ount of costs imposed and paid	553 80
ount of fines imposed, yet unpaid	3, 335 00
ount of fines imposed and remitted by President.....	500 00
nber of libels filed.....	38
ount of personal property seized and forfeited, about	\$12, 000 00

ANNEXATION.

Extract from speech of J. JOHNSTON, Esq., of Milwaukee, at Detroit Convention, 1865.]

There are those who think that, while the closest commercial intercourse with
ada is desirable, yet hope, by stopping that intercourse for a few years, to
pel the Canadians to sue for annexation. Vain delusion ! Every link be-
en the United States and the provinces that is severed tends to strengthen
connection between the latter and the mother country. Annexation will
er be brought about by force in matters of trade. Why, the independent
istence of this great country arose from the attempts of Britain to coerce the
mies in this very respect. No, sir ; if we wish to annex the provinces, we
e to assimilate them, by unrestricted intercourse, to our habits and our
mners of action and feeling—we have to Americanize them. That will
redly be done far sooner by reciprocal trade and by conventions like this
a by non-intercourse. Every railroad that is built, every telegraph that is
sted, every ship that passes between the two countries, tends to bind them
er in the bands of brotherhood.
The opponents of reciprocity tantalize us by parading the millions of revenue
eh we would have obtained from the articles now being imported from the
vinces, had they not been made free by the treaty. They forget to tell us

that this great trade would not have existed had it not been for the treaty; and even had it existed, and a large revenue accrued from it, we would have been the persons who would have enjoyed the privilege of paying the duties, and not the Canadians, for it is the consumers of commodities who pay the imposts upon them. But, think you, would the people of these northern States be more able to pay their taxes after this immense and profitable trade is destroyed than they are now?

[Extract from the speech of Hon. JOSEPH HOWE, of Nova Scotia, before Detroit Convention.]

No considerations of finance, no question of balance for or against them, upon interchanges of commodities, can have any influence upon the loyalty of the inhabitants of the British provinces, or tend in the slightest degree to alienate the affections of the people from their country, their institutions, their government, and their Queen. There is not a loyal man in the British American provinces, no man worthy of the name, who, whatever may happen to the treaty, will become any the less loyal, any the less true to his country on that account. There is not a man who dare, on the abrogation of the treaty, if such should be its fate, take the hustings and appeal to any constituency on annexation principles throughout the entire domain. The man who avows such a sentiment will be scouted from society by his best friends. What other treatment would a man deserve who should turn traitor to his sovereign and his government, and violate, for pecuniary advantage, all obligations to the country which gave him birth? You know what you call copperheads, and a nice life they have of it (Laughter.) Just such a life will the man have who talks treason on the other side of the lines. (Applause.) The very boy to whom I have alluded as having fought manfully for the stars and stripes, would rather blow his own father's brains out than haul down the honored flag under which he has been born—the flag of his nation and of his fatherland.

[Extract from the speech of G. H. PERRY, C. E., of Ottawa, Canada West.]

The blessings which unrestricted commercial intercourse would bestow upon both nations are incalculable. As friends and neighbors, it would improve the good understanding which should exist between people having so many interests in common; and it would prove a blessing to the vast mass of the overpopulated countries of Europe.

Hostile tariffs will not produce any of those effects which the advocates of protection desire. They will not develop any of the resources of the western States, nor will they add to the wealth or happiness of the vast mass of the people, or the prosperity of the general commerce of the country. They will not bring about the consummation so earnestly desired by your extreme politicians, of annexation.

Content with our lower political life and greater personal freedom, we leave to the aspirants after new nationalities the higher political life they covet, nor do we regret the accompanying concomitants, in our content with our own condition.

OCEAN STEAMERS.

[Extract from the speech of DUNCAN STEWART, Esq., at Detroit.]

I consider that, with twelve feet six inches to fourteen feet water down the St. Lawrence, it will always be more profitable to transfer at Montreal or Quebec, than attempt to cross the ocean with lake-going steamers. The reason of this is, that in reaching Quebec they need not put on board fuel for more than a run of two hundred miles at a time, thus saving a vast amount of freight room; whereas, in crossing the ocean, they must put fuel on board for the run of twenty-five hundred miles, and a surplus to cover contingencies. It would be

wise to have that surplus less than enough to run three thousand miles. Every gentleman who has any experience in this business will see at once that it would be fifteen times more tonnage room for fuel to cross the ocean than it would be to run down the river. In going down the river, there would be no need to have over twenty-five tons of coal on board at any one time, including the plus, because twenty tons would be sufficient to run a screw steamer of one thousand tons cargo capacity, with a low-pressure engine, two hundred miles, carrying nine hundred and seventy-five tons for cargo and twenty-five tons for fuel—only two and one-half per cent. of the carrying capacity being reserved for fuel; whereas, for the ocean voyage, it would be unsafe to leave port with less than two hundred and fifty tons of coal, or twenty-five per cent. of the carrying capacity—leaving only seven hundred and fifty tons for freight room. I think this clearly demonstrates the economy of a transfer of cargo at either Montreal or Quebec.

FISHERIES IN GULF OF ST. LAWRENCE.

Extract from letter of Messrs. DEAN and LAW, dated Charlottetown, P. E. I., July 3, 1865, read at Detroit Convention.]

For some years previous to the time the reciprocity treaty went into effect, the Americans fishing were embarrassed in consequence of the three-mile limit, and the construction put upon it by colonial officers, that it meant three miles outside of a straight line from headland to headland, which, in many localities where the buoys were deep, would make them many miles off, and the continual harassing and capturing of our vessels—so much so as to nearly ruin the business as a whole—the tonnage engaged fast depreciating, and at the time the treaty went into effect the fishing fleet in the bay and gulf of St. Lawrence was much smaller than it had been some years before. We think that, for one or two years previous to the treaty, there could not have been more than two hundred and fifty sail of American vessels in these waters, averaging seventy-five tons each; value, three thousand dollars each, and manned by eleven men each, with an average catch of mackerel of two hundred and seventy-five barrels each; estimated value, twelve dollars per barrel, gross, and ten dollars net—Houcouster having a majority of the fleet, being most daring in the pursuance of their business. In the last two years, we think, there have been employed six hundred vessels; average tonnage, ninety each; value, five thousand dollars each, and manned by fifteen men each, with an average catch of five hundred and twenty-five barrels of mackerel; estimated value at the time of landing, fourteen dollars and a half per barrel, gross, and twelve dollars net.

BRITISH CRITICISM.—SEMI-OFFICIAL.

[Extract from the London Morning Post, March 12, 1866.]

In the presence of subjects possessing more immediate interest, it has probably escaped the attention of the general public that on Saturday next, by the terms of the notice given by the American government, the reciprocity treaty, regulating the fisheries and trade as between that country and the provinces of British North America, will expire. The subject has been so little discussed in England, and the importance of the treaty, as affecting our relations with the United States, is so little appreciated, that it will not be out of place to give some account of the various phases through which the question has passed, as well as of its present position. It is to be observed that the important part of the question—and, indeed, the only part upon which difficulties can arise—is that which relates to the right claimed by Americans of fishing in the seas adjacent to the provinces; and the nature and extent of those rights, which

have hitherto been regulated by the moribund treaty, are such, and are so differently regarded both by Americans and the provincials, as to have led to a long course of disputes and conflicting claims, which it is to be feared will be now reopened, and which, unless they are treated on both sides with a disposition to make mutual concessions, in accordance with the liberal spirit of the times, will do more to endanger the friendly relations between the two countries than any question that has of late years arisen, not excepting even the cases of the Trent and the Alabama.

When negotiations were opened at the close of the American war of independence, one of the points most strongly insisted upon by John Adams was the recognition of the right of Americans to fish in all the seas adjacent to their country. So much importance did he attach to this right that he declared he would rather "continue the war forever" than abandon it, and the treaty of 1783 accordingly embraced a clause recognizing the right of the inhabitants of the United States to fish "wherever they had fished before." The question was reopened at the conclusion of the second American war, and the right claimed received for the first time a limitation by the treaty signed on the 20th October, 1818. Messrs. Rush and Gallatin, the commissioners on behalf of the United States, while retaining the right of entering bays and creeks for the purpose of repairs, and of curing their fish and drying their nets, and also the general right to fish, abandoned its exercise within the limit of three miles from the coasts, bays, and creeks of the provinces. This state of things continued for some twenty years; but, in 1841, complaints began to be made of encroachments and trespasses by American fishing boats, and, among other things, it was asserted that they had transgressed the treaty by fishing within the three-mile limit in the bays of Fundy and Chaleurs, and in the straits of Canso. It was contended by the provincials that, in the case of the bays of Chaleurs and Fundy, (the latter of which measures sixty miles across,) the three-mile limit must be measured, not from the coast itself, but from a line drawn across the bay from headland to headland, inside which it was asserted no American fisherman should be allowed to come. From this construction, which was eventually indorsed by the law officers of the British crown, (though in terms which seem to make it certain that they had not even read the treaty,) arose constant disputes, which at last grew intolerable, and on the 5th of June, 1854, was signed at Washington the convention now about to expire, known as the reciprocity treaty. By this, in addition to the powers claimed and admitted by the treaty of 1818, liberty was given to the Americans to take fish throughout the seas contiguous to the provinces, without any restrictions as to the distance from the shore. In return for this, British subjects were allowed the same advantages on all American shores north of the thirty-sixth parallel of latitude; and, by article 3, a reciprocal free list was established, which opened the markets of each country to the most important products of the other, but of which from the nature of the case, the great advantage remained with the provincials. The advantages which have sprung from this treaty are enormous: trade between the two countries has increased enormously, and the fisheries have received a development almost incredible. But for the American civil war, a convention so materially advantageous would have certainly been left undisturbed for many years to come; but the United States government, to provide for an enormous debt and an increased expenditure, has thought proper to raise a large amount of revenue by heavy custom duties, and cannot consequently maintain the free reciprocal trade provided for by the third article of this treaty. In a few days, by its termination, we shall be thrown back upon the provisions of the treaty of 1818, with all the bickerings and heart-burnings which prevailed from 1845 to 1852, and the government will have to consider what construction of that treaty it will maintain, and what action it will take. Were the

question capable of being settled by the governments of Great Britain and of the United States alone, it would probably not be found to present much difficulty; but it is complicated by the presence of the provincials, who are, not unnaturally, anxious to keep the fisheries to themselves, or, at any rate, not to admit the United States to a share in them without receiving compensating advantages in the shape of a free market for their products. Their efforts will thus be directed to as strict an interpretation and as vigorous an enforcement of the treaty of 1818 as they can obtain. By an act of Parliament passed in the reign of George III, and also by provincial acts, power is given to confiscate absolutely all vessels, with everything on board of them, found fishing within the three-mile limit; and it is certain that there will be every disposition on the part of the provincials to enforce the law to as full an extent as will be supported by England.

On the other hand, it is scarcely possible to exaggerate the importance attached to the right of free fishing by the Americans. A very exhaustive report has, within the last month, been presented to the United States Treasury Department, by Dr.* E. H. Derby, of Boston, whose opinion is that "we (Americans) must either resign our fishery, treat, or annex the provinces." In another part of his report, he says that "the American people will never resign their fisheries," and whether this be true in its full sense or not, it is quite clear that an insistance upon the observance of the treaty of 1818, with the construction put upon it in 1845, would gravely endanger the friendly relations between this country and the United States. The English government thus finds itself a party to a triangular duel, in which it has nothing to gain itself, with the disadvantage of being a target for both the other combatants—a situation neither pleasant nor profitable. It is exceedingly doubtful whether it is desirable for any nation to maintain in these days the policy of excluding anybody from the privilege of fishing in the sea. The commission which recently sat to examine the question as affecting us nearer home, has reported against the maintenance of any restrictions whatever. Negotiations are even now being carried on with the French government with a view to carry the recommendations of their report into practical effect, and it is scarcely probable that this country would make any great sacrifices to support several thousand miles away a principle which it is doing its best to abolish on its own shores. It is intelligible enough that the provincials, with the prospect before them of losing the advantages they derive from the reciprocity treaty, should wish for support in enforcing the penal clauses existing under the former state of things; but, although they will be supported by this country in whatever is just and proper, it is not to be expected that they will be supported in the assertion of principles which have been already abandoned on this side of the Atlantic.

REPORT OF A DECISION OF THE COMMISSION ON CLAIMS,

Under the convention of February 8, 1853, between the United States and Great Britain. Transmitted to the Senate, August 8, 1856.

SCHOONER WASHINGTON.

Construction of the treaty of 1818 relative to fisheries on the coasts of North America.

The clause in said treaty in which the United States renounced the liberty "to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of his Britannic Majesty's dominions of North America," held not to include the bay of Fundy.

* The British consul, who sent over my report, confers this title.

The bay of Fundy is held to be an open arm of the sea, so as not to be subject to the exclusive right of Great Britain as to fisheries.

The schooner *Washington*, while employed in fishing in the bay of Fundy, ten miles distant from the shore, was seized by her Britannic Majesty's cruiser and taken to Yarmouth, in Nova Scotia, and condemned, on the ground of being engaged in fishing in British waters, in violation of the provisions of the treaty relative to the fisheries, entered into between the United States and the British government on October 20, 1818.

Claim of damage was made before the commission, on the ground that the seizure was made in violation of the provisions of that treaty and of the law of nations.

Thomas, agent and counsel for the United States.

Hannen, agent and counsel for Great Britain.

UPHAM, United States commissioner :

In 1843, the fishing schooner *Washington* was seized by her Britannic Majesty's cruiser when fishing broad, as it is termed, in what is called the bay of Fundy, ten miles from the shore.

This seizure was justified on two grounds :

1. That the bay of Fundy was an indentation of the sea, extending up into the land, both shores of which belonged to Great Britain, and that for this reason she had, by virtue of the law of nations, the exclusive jurisdiction over this sheet of water, and the sole right of taking fish within it.

2. It was contended that, by a fair construction of the treaty of October 20, 1818, between Great Britain and the United States, the United States had renounced the liberty heretofore enjoyed or claimed, to take fish on certain bays, creeks, or harbors, including, as was contended, the bay of Fundy and other similar waters within certain limits described by the treaty.

The article containing this renunciation has various other provisions, supposed to throw some light on the clause of renunciation referred to. I therefore quote it entire, which is as follows : "Whereas differences have arisen respecting the liberty claimed by the United States to take, dry, and cure fish on certain coasts, bays, harbors, and creeks of his Britannic Majesty's dominions in America, it is agreed that the inhabitants of the United States shall have, in common with the subjects of his Britannic Majesty, the liberty to take fish on certain portions of the southern, western, and northern coast of Newfoundland, and also on the coasts, bays, harbors, and creeks from Mount Jolly, on the southern coast of Labrador, to and through the straits of Belle Isle, and thence northwardly indefinitely along the coast ; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of said described coasts, until the same become settled. And the United States renounce the liberty heretofore enjoyed or claimed by the inhabitants thereof, to take, dry, or cure fish on or within three marine miles of any of the coasts, bays, creeks, or harbors of his Britannic Majesty's dominions in America not included within the above-mentioned limits : *Provided, however,* That the American fishermen shall be admitted to enter such bays or harbors for the purpose of shelter and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purposes whatever. But they shall be under such restrictions as may be necessary to prevent their taking, drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved to them."

The first ground that has been taken in the argument of this case is that independent of this treaty, Great Britain had the exclusive jurisdiction over the bay of Fundy, as part of her own dominions, by the law of nations. As this matter, however, is settled by the treaty, the position seems to have no bearing on the case, except as it may tend to show that the United States would be

are likely to renounce the right of fishing within limits thus secured to Great Britain by the law of nations, than if she had no such claim to jurisdiction.

But on this point we are wholly at issue. The law of nations does not, as I believe, give exclusive jurisdiction over any such large arms of the ocean.

Rights over the ocean were originally common to all nations, and they can be relinquished only by common consent. For certain purposes of protection and proper supervision and collection of revenue the dominion of the land has been extended over small enclosed arms of the ocean, and portions of the open sea immediately contiguous to the shores. But beyond this, unless it has been expressly relinquished by treaty, or other manifest assent, the original right of nations still exists of free navigation of the *ocean*, and a free right of each nation to avail itself of its common stores of wealth or subsistence—(Grotius, book 2, chap. 2, sect. 3; Vattel, book 1, chap. 21, secs. 282 and 283.)

Reference has been made to the Chesapeake and Delaware bays, over which the United States have claimed jurisdiction, as cases militating with this view; but those bays are the natural outlets and enlargement of large rivers, and are shut in by projecting headlands, leaving the entrance to the bays of such narrow capacity as to admit of their being commanded by forts, and they are wholly different in character from such a mass of the ocean-water as the bay of Fundy.

There is no principle of the law of nations that countenances the exclusive right of any nation in such arms of the sea. Claims, in some instances, have been made of such rights, but they have been seldom enforced or acceded to.

This is well known to be the prevailing doctrine on the subject in America, and it would have been surprising if the United States negotiators had relinquished, voluntarily, the large portions of the ocean now claimed by Great Britain as her exclusive right, under the provisions of this treaty, on the ground that it was sanctioned by the law of nations.

It would be still more surprising if it had been thus relinquished, after its long enjoyment by the inhabitants of America *in common*, from the time of their first settlement down to the Revolution, and from that time by the United States and British provinces, from the treaty of 1783 to that of 1818.

I see no argument, in the view which has been suggested, to sustain the right of exclusive jurisdiction claimed by England.

2. I come now to the consideration of the *second* point taken in the argument before us, which is that, by the treaty of 1818, the United States *renounced* the right of taking fish within the limits now in controversy. This depends on the construction to be given to the article of the treaty which I have already cited.

In the construction of a treaty admitting of controversy on account of its supposed ambiguity or uncertainty, there are various aids we may avail ourselves of in determining its interpretation.

“It is an established rule,” says Chancellor Kent, “in the exposition of statutes”—and the same rule, I may add, applies to treaties—“that the intention of the lawgiver is to be deduced from a view of the whole and of every part of a statute, taken and compared together, and the real intention, when accurately ascertained, will always prevail over the literal sense of the terms.”

He further says: “When the words are not explicit, the intention is to be collected from the occasion and the necessity of the law, from the mischief felt and the remedy in view; and the intention is to be taken or presumed, according to what is consonant to reason and discretion.”—(1 Kent’s Com., 462.)

Now there are various circumstances to be considered in connection with the treaty, that will aid us in coming to a correct conclusion as to its intent and meaning.

These circumstances are the entire history of the fisheries: the views expressed by the negotiators of the treaty of 1818, as to the object to be effected

by it; the subsequent practical construction of the treaty for many years; the construction given to a similar article in the treaty of 1783; the evident meaning to be gained from the whole article taken together, and from the term "*coasts*," as used in the treaty of 1818, and other treaties in reference to this subject.

All these combine, as I believe, to sustain the construction of the provisions of the treaty as contended for by the United States.

It will not be contested that the inhabitants of the territory now included within the United States, as a matter of history, have had generally the common and undisturbed right of fishery, as now claimed by them, from the first settlement of the continent down to the time of the Revolution, and that it was subsequently enjoyed in the same manner, in common, by the United States and the British provinces, from the treaty of 1783 down to the treaty of 1818.

This right was based originally on what Dr. Paley well regards, in his discussion of this subject, "as a general right of mankind;" and the long and undisturbed enjoyment of it furnishes just ground for the belief that the United States negotiators would be slow in relinquishing it.

They certainly would not be likely to relinquish more than was asked for, or what the United States negotiators a few years before contended was held by the same tenure as the national independence of the United States, and by a perpetual right.

In the negotiation of the treaty of peace in 1814, no provision was inserted as to the fisheries. Messrs. Adams and Gallatin notified the British commissioners that "the United States claimed to hold the right of the fisheries by the same tenure as she held her independence; that it was a perpetual right appurtenant to her as a nation, and that no new stipulation was necessary to secure it."

The negotiators on the part of the British government did not answer this declaration, or contest the validity of the ground taken.

Afterwards, in 1815, the consultations had between Lord Bathurst and Mr. Adams, the then Secretary of State, relative to the fisheries, show on what grounds negotiations were proposed, which were perfected by the treaty of 1818; and that the renunciation desired, from the treaty of 1783, consisted of the *shore* or *boat fisheries*, which are prosecuted within a marine league of the *shore*, and no others.

At the first interview of the commissioners, Lord Bathurst used this distinct and emphatic language: "As, on the one hand, Great Britain cannot permit the vessels of the United States to fish within the creeks and *close upon the shore* of the British territories, so, on the other hand, it is by no means her intention to interrupt them in fishing anywhere in the open sea, or without the territorial jurisdiction, *a marine league from the shore*."

Again, he said on a subsequent occasion: "It is not of fair competition that his Majesty's government has reason to complain, but of the pre-occupation of British *harbors* and *creeks*."—(Sabine's Report on Fisheries, p. 282.)

It is clear that it was only within these narrow limits the British government designed to restrict the fisheries by the citizens of the United States.

The views of Messrs. Gallatin and Rush, the American negotiators of the treaty of 1818, appear from their communication made to the Secretary of State, Mr. Adams, immediately after the signature of the treaty.

In this communication they say: "The renunciation in the treaty expressly states that it is to extend only to the distance of three miles from the coast; and this point was the more important, as, with the exception of the fisheries in *open boats in certain harbors*, it appeared that the fishing-ground on the *whole coast of Nova Scotia* was more than three miles from the shore."

It thus appears that the negotiators of both governments concurred, at the time of making the treaty, in giving to it the intent and meaning now contended for by the United States.

It further appears that such was the intent and effect of the treaty of 1818, from the fact that the construction practically given to it for more than twenty years, and indeed down to the year 1842, conformed to the views of the negotiators as thus expressed.—(See Sabine's Report, p. 294.)

There are certain circumstances also appearing in the case, which show the identical reluctance of the British government to assert the exclusive pretensions ultimately put forth by them, and that they had been goaded to it, against their better sense, as to the construction of the treaty, by jealousies and laws of the colonists of a very unusual character, and which Great Britain was slow to sanction. And when she ultimately concluded to assert this claim, she tendered with propositions for new negotiations, by which all matters connected with the colonies should be amicably adjusted.

I shall now consider the construction given to similar words of the treaty of 1783.

It will not be denied that the words used in the treaty of 1783 and the treaty of 1818, where they are identical, and where express reference is made to the provisions of the former treaty, mean the same thing. When the United States are said, in the treaty of 1818, to *renounce* the liberty *heretofore enjoyed and claimed*, it means the liberty heretofore enjoyed under the treaty of 1783, and the liberty *then* enjoyed was to take fish "on certain bays and creeks," without any limitations as to distance from them.

Now, what were those *bays and creeks on* which—that is, *along the line of which*—drawn from headland to headland, the citizens of the United States were allowed to take fish under the treaty of 1783? It cannot be pretended that *bays and creeks* there intended were any other than small indentations from the great arms of the sea. They certainly did not include the bay of Fundy and other large waters; because if fishing was allowed merely *on* that bay, as is now contended—that is, on and along the line of the bay from headland to headland, then all fishing in the bay of Fundy would be excluded. But it is a well-known fact that the suggestion never was made, or a surmise raised, that the expressions used in the treaty of 1783 permitted the fishermen of the United States to go merely to the line of the bay of Fundy, and restricted them from fishing within it.

A practice, therefore, for thirty-five years under this treaty of 1783, had determined *what classes of bays and creeks* were meant by the expressions there used.

The treaty of 1818 *renounced* the liberty *heretofore* enjoyed of fishing on these *identical bays and creeks*—that is, immediately on the line of them; and also further renounced the liberty of fishing *within a space of three miles of them*. But the *bays and creeks* here referred to were the same as those referred to in the treaty of 1783, and neither of them ever included the bay of Fundy.

The express connection between these two treaties is apparent from the face of them. Reference is made to the treaty of 1783 in a manner that cannot be mistaken; the subject-matter is the same, and the terms, as to the point in question, identical.

I contend, therefore, that the governments, in adopting the language of the treaty of 1783 in the treaty of 1818, received the words with the construction and application given to them up to that time, and that neither party can now deny such construction and application, but is irrevocably bound by it.

There are other portions of the article in question that aid in giving a construction to the clause under consideration, and that irresistibly sustain the view here adopted.

Thus it is provided, in another portion of the *same article*, in reference to these *same creeks and bays*, that the fishermen of the United States shall be admitted to enter "*such bays*" *for the purpose of shelter and to obtain wood and water*; thus clearly implying that such bays are small indentations, extending into the

land, to which fishing craft would naturally resort for *shelter*, and to obtain wood and water, and not large, open seas like the bay of Fundy.

There are numerous bays of this character along the coast, within the bay of Fundy, such as the bay of Passamaquoddy, Annapolis, St. Mary's, Chignecto, Mines bay, and other well known bays extending up into the land.

There is a further argument to sustain the American construction given to the treaty, derived from the meaning affixed to the term "coasts," as applied by the usage of the country, and which was adopted and embodied in the various treaties between France and England from a very early period, and has been continued down to the present time.

I have not seen this argument adverted to; but it seems to me important, and, indeed, of itself quite conclusive as to the matter in question, and I shall now consider it.

The term "coasts," in all these prior treaties, is applied to all the borders and shores of the eastern waters, not only along the mainland, but in and about the gulf of St. Lawrence, and around all the larger and smaller islands where fisheries were carried on.

These coasts are thus defined and specified in the treaty of Utrecht between Great Britain and France in 1713, of Paris in 1763, and other treaties to the present time. In the treaty of Utrecht, between France and England, the liberty of taking and drying fish is allowed "on the *coasts* of Newfoundland;" provision is also made as to the fisheries on the *coasts*, in the *mouth*, and in the *gulf* of St. Lawrence.

Reference is also made to these "coasts" in the same manner in the treaty of Paris, which took place after the conquest of Canada. The French are permitted by this treaty to fish in the *gulf* of St. Lawrence at a given distance from all "*the coasts*" belonging to Great Britain, as well those "of the continent" as those of the *islands* situated in the gulf of St. Lawrence. The fishery also "*on the coasts*" of the comparatively small island "of Cape Breton out of said gulf" is regulated and provided for; and further, it is provided "~~that~~ the fishery on the *coasts of Nova Scotia* or Acadia, and everywhere else out of said gulf, shall remain on the footing of former treaties."

Now I regard it as utterly impossible for any one looking at these treaties with the map of the islands and waters in the gulf or bay of St. Lawrence, and in and around Nova Scotia, referred to in these treaties, to doubt for a moment that the term "coast" was designed to apply, and did, in terms, apply to the whole contour of the mainland and the islands referred to, including the entire circuit of *Nova Scotia on the bay of Fundy*.

These expressions are continued in the same manner in the treaty of 1763. The United States are there allowed to take fish in the gulf of St. Lawrence, "*on the coast* of Newfoundland," and also "on the *coasts*, bays, and creeks of all other of his Britannic Majesty's dominions in America."

Again, in the preamble to the treaty of 1818, which we are now considering, it is said to have been caused by differences as to the liberty claimed to take fish on certain *coasts*, bays, harbors, and creeks of his Britannic Majesty's dominions in America, and by the treaty provision is made as to the fisheries on the *coasts* of Newfoundland, and on "*the coasts*, bays, harbors, and creeks from Mount Joly, on the southern coast of Labrador, to and through the strait of Belle Isle, and thence northwardly indefinitely along the *coast*;" and then follows the renunciation of *the right before enjoyed* by the United States "to take, dry, or cure fish on or within three marine miles of any of '*the coasts*, bays, creeks, or harbors of his Majesty's dominions in America.'"

It seems to me undeniable that the term *coasts* in all these treaties was well defined and known. The outlet of the St. Lawrence is equally well known by the term bay or gulf. The shores on that bay or gulf, and on the islands within it, are uniformly spoken of as "coasts;" and the same mode of designating the

res along this entire country is used in all these treaties in reference to the waters where fisheries were carried on.

The coasts" named in these treaties were not only the coasts of the bay or of St. Lawrence, and of the island of Cape Breton, but extended from the head of the bay of Fundy along the bay entirely around Nova Scotia to the head of the bay of St. Lawrence.

There never had been any misunderstanding as to the application of this term, or denial of the right to fish on these coasts, as I have named them, under these treaties down to 1818. The term "coasts," as applied to Nova Scotia during this long period, was as well known and understood as the term "coasts" applied to England or Ireland, and it included the coasts on the bay of Fundy fully and certainly as the term coasts of England applies to the coasts of the English channel. It was a fixed locality, known and established, and the right of taking fish had always been "enjoyed there."

When, therefore, the treaty of 1818 "renounced the liberty, heretofore enjoyed, of taking fish within three marine miles of any of *the coasts*, bays, creeks, &c., of His Britannic Majesty's dominions," the renunciation was, for this distance from a fixed locality, as fully settled and established as language, accompanied by a long and uninterrupted usage, could make it.

"The coasts" named are those of 1783, and of prior treaties, and the renunciation of three miles was to be reckoned from these coasts. The bay of Fundy is therefore not excluded from the fishing grounds of the United States. I am not aware of any reply to the points here taken that I think can at all invalidate them.

From the papers filed in the case, it appears that in 1841 the province of Nova Scotia caused a case stated to be drawn up and forwarded to England, in which certain questions to be proposed to the law officers of the crown.

One inquiry was, whether the fishermen of the United States have any authority to enter any of *the bays of that province* to take fish. These officers, Messrs Dodson and Wilde, reply that no right exists to enter the bays of Nova Scotia to take fish, "as they are of opinion the term headland is used in the treaty to express the part of the land excluding the interior of the bays and harbors of the coasts."

Now it so happens that no such term is used in the treaty, and their decision based on it falls to the ground.

They were also specifically asked to define what is to be considered a headland. This they did not attempt to do. The headlands of the bay of Fundy have never been defined or located, and from the contour of the bay no such headlands properly exist.

These officers held that the American fishermen, for the reason named, could not enter the bays and harbors of Nova Scotia. But the bay of Fundy is not a bay or harbor of the province of Nova Scotia, and was never included in its limits. The Bay of Fundy is bounded on one side by Nova Scotia, and on the other by New Brunswick, and it is not clear that either the question proposed, or the answer given, was designed to include this large arm of the sea.

It is also said that Mr. Webster has conceded the point in issue in a notice given to American fishermen. The claims now asserted were not put forth till many years after the treaty of 1818; and it was not till 1852 the British government gave notice that seizures would be made of fishermen taking fish in violation of the construction of the treaty of 1818, as then claimed by them, when Mr. Webster, to avoid the collisions that might arise, issued a notice setting forth the claims put forth by England.

In one part of his notice he says: "It was an oversight to make so large a concession to England;" but closes by saying: "Not agreeing that the construction put upon the treaty by the English government is conformable to the intentions of the contracting parties, this information is given that the

concerned in the fisheries may understand how the concern stands at present, and be upon their guard."

Mr. Webster subsequently denied relinquishing, in any manner, by this notice, the rights of the United States, as claimed under this treaty.

Detached expressions quoted from it, to sustain a different opinion, can hardly be regarded, under such circumstances, as an authority.

I have seen no other argument or suggestions tending, as I think, to sustain the grounds taken by the British government.

On the other hand, I have adverted, briefly, as I proposed, to the history of the fisheries; the views expressed by the negotiators of the treaty of 1818, as to the object to be effected by it; the subsequent practical construction of it for many years; the construction given to a similar article in the treaty of 1783; the evident meaning to be gained from the entire article of the treaty taken together, and from the term "coasts" as used in the treaty of 1818, and other treaties in reference to this subject; and the whole combine, as I believe, to sustain the construction contended for by the United States.

I am therefore of opinion, the owners of the Washington should receive compensation for the unlawful seizure of that vessel by the British government, when fishing more than three miles from the shore or coast of the bay of Fundy.

HORNBY, British commissioner:*

An opinion was delivered by Hornby, conflicting with the views and conclusion of the United States commissioner, and sustaining the position taken by his government, on the ground that Great Britain, by virtue of her ownership of both shores of the bay of Fundy, had exclusive jurisdiction over the waters of the bay, by virtue of the law of nations, applicable to such sheets of water, and cited various claims that had been put forth to a similar jurisdiction.

He also held that the provision in the treaty by which the United States "renounced the liberty previously enjoyed, to take, dry or cure fish on, or within three marine miles of any of the coasts, bays, creeks or harbors of his Britannic Majesty's dominions in North America," excluded by its terms, and by a just construction of the treaty, fisheries of the United States citizens in the bay of Fundy.

BATES, Umpire:

The schooner Washington was seized by the revenue schooner Julia, Captain Darby, while fishing in the bay of Fundy, ten miles from the shore, on the 10th of May, 1843, on the charge of violating the treaty of 1818. She was carried to Yarmouth, Nova Scotia, and there decreed to be forfeited to the crown by the judge of the vice-admiralty court, and, with her stores, ordered to be sold. The owners of the Washington claim for the value of the vessel and appurtenances, outfits and damages, \$2,483, and for eleven years' interest, \$1,638, amounting together to \$4,121. By the recent reciprocity treaty, happily concluded between the United States and Great Britain, there seems no chance for any further disputes in regard to the fisheries.

It is to be regretted that, in that treaty, provision was not made for settling a few small claims of no importance in a pecuniary sense, which were then existing; but as they have not been settled, they are now brought before this commission.

* The opinion of the British commissioner in this, and some other cases, was to have been drawn up at length, and furnished, to be placed on file. It is to be regretted that these opinions have not been received, and that, after this length of time, they probably will not be.

he Washington fishing schooner was seized, as before stated, in the bay of Fundy, ten miles from the shore, off Annapolis, Nova Scotia.

It will be seen by the treaty of 1783 between Great Britain and the United States, that the citizens of the latter, in common with the subjects of the former, enjoyed the right to *take* and *cure* fish on the shores of all parts of her Majesty's dominions in America, used by British fishermen; but not to dry fish on the coast of Newfoundland, which latter privilege was confined to the shores of Nova Scotia, in the following words: "And American fishermen shall have liberty to dry and cure fish on any of the unsettled bays, harbors, and creeks of Nova Scotia; but as soon as said shores shall become settled, it shall not be lawful to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors, or possessors of the ground."

The treaty of 1818 contains the following stipulations in relation to the fisheries: "Whereas differences have arisen respecting the liberty claimed by the United States to *take, dry, and cure* fish on certain *coasts, bays, harbors, and creeks* of his Britannic Majesty's dominions in America, it is agreed that the citizens of the United States shall have, in common with the subjects of his Britannic Majesty, the right to fish on certain portions of the southern, western, and northern coast of Newfoundland; and, also, on the coasts, bays, harbors, and creeks from Mount Joly, on the southern coast of Labrador, to and through the straits of Belle Isle; and thence northwardly indefinitely along the coast, that American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors, and creeks of said described coasts, until the same become settled, and the United States renounce the liberty *heretofore enjoyed or claimed* by the inhabitants thereof, to take, dry, or cure fish *on or within three marine miles* of any of the coasts, bays, creeks, or harbors of his Britannic Majesty's dominions in America not included in the above-mentioned limits: Provided, however, that the American fishermen shall be admitted to enter such bays or harbors, for the purpose of shelter, and of repairing damages therein, of purchasing wood, and of obtaining water, and for no other purpose whatever. They shall be under such restrictions as may be necessary to prevent their drying, or curing fish therein, or in any other manner whatever abusing the privileges hereby reserved for them."

The question turns, so far as relates to the treaty stipulations, on the meaning of the word "bays," in the treaty of 1783. By that treaty the Americans enjoyed the right to dry and cure fish on the shores and *bays* of Newfoundland; but they had that right on the coasts, *bays, harbors, and creeks* of Nova Scotia; and as they must land to cure fish on the shores, bays, and creeks, they were only admitted to the shores of the *bays, &c.* By the treaty of 1818 the right is granted to cure fish on the coasts, bays, &c., of Newfoundland; and the Americans relinquished that right, *and the right to fish within three miles of the coasts, bays, &c., of Nova Scotia.* Taking it for granted that the framers of the treaty intended that the words "bay or bays" should have the same meaning in all cases, and no mention being made of headlands, there appears no doubt that the Washington, in fishing ten miles from the shore, violated the stipulations of the treaty.

It was urged on behalf of the British government that by coasts, bays, &c., was understood an imaginary line, drawn along the coast from headland to headland, and that the jurisdiction of her Majesty extends three marine miles outside this line; thus closing all the bays on the coast or shore, and that great body of water called the bay of Fundy against Americans and others, making the bay a British bay. This doctrine of the headlands is new, and has received no support or limit in the convention between France and Great Britain of 2d of August, 1839, in which "it is agreed that the distance of three miles fixed as a general limit for the exclusive right of fishery upon the coasts of the two countries shall, with respect to bays, the mouths of which do not exceed ten miles in width, be measured from a straight line drawn from headland to headland

The bay of Fundy is from 65 to 75 miles wide, and 130 to 140 miles long: it has several bays on its coast; thus the word bay, as applied to this great body of water, has the same meaning as that applied to the bay of Biscay, the bay of Bengal, over which no nation can have the right to assume sovereignty. One of the headlands of the bay of Fundy is in the United States, and ships bound to Passamaquoddy must sail through a large space of it. The islands of Grand Menan (British) and Little Menan (American) are situated nearly on a line from headland to headland. These islands, as represented in all geographies, are situated in the Atlantic ocean. The conclusion is, therefore, in my mind irresistible, that the bay of Fundy is not a British bay, nor a bay within the meaning of the word, as used in the treaties of 1783 and 1818.

The owners of the Washington, or their legal representatives, are therefore entitled to compensation, and are hereby awarded not the amount of their claim, which is excessive, but the sum of three thousand dollars, due on the 15th of January, 1855.

EXTRACTS FROM "THE BRITISH EMPIRE."—BY E. H. DERBY.—1888

Far to the north of our northern boundary, under the high latitude of 54, which a few years since we claimed for our frontier line and reluctantly resigned, lie the British isles. Hemmed in by the Atlantic on the one side and the German ocean on the other, with an area of less than 116,000 square miles, less than that of New Zealand, and little more than that of Japan, they fall below several of the States in our western constellation.

Small, however, as may be their area, there are few parts of the earth's surface which would leave such a void as they would were they suddenly to be submerged by some convulsion of nature.

The British isles have a climate so humid that in ordinary seasons neither maize nor the grape can ripen there, the soil so cold and forbidding that even wheat is a precarious crop unless aided by drainage and artificial stimulants; but the climate is invigorating, the soil is underlaid with minerals more valuable than those of California. The genius of the people is directed toward mechanism, and art has triumphed over nature. Watt and Bolton have set that mechanism in motion by the invention of the steam-engine, and Arkwright and Davy have, like Aladdin in the eastern tale, evoked the genius of the lamp and the genius of the ring with their Briarean arms, the one to explore the caverns where the black diamonds sparkle, the other to ring in the artisans and set the looms in motion to produce tissues and draperies for the palaces of the world.

The improvement of the soil has kept pace with the advance of mechanism. Skilful drainage, importations of guano and phosphate of lime and linseed have given it fertility and greatly increased its productive power.

Highways, canals and railroads, stone docks and piers have given facilities to commerce. Iron ships and steamers have taken the place of ancient lighters and colliers, and the navigation of the empire now exceeds six millions of tons.

The manufacture of textile fabrics of silk, cotton, linen, wool, flax and jute, approaches a weight of two thousand millions of pounds.

Ninety-five million tons of coal are annually raised, and ten million tons of ore are annually melted into five million tons of iron.

In 1776, when Great Britain was shorn of her colonies, exhausted by her long struggle and loaded with a vast debt, it was supposed by her foes that she would sink into a third-rate power, but such was her vitality that she soon recovered her energy and began again to extend her dominions. Asia took with her the place of America; her shores were kept inviolate, her naval power increased. For twenty years she was engaged in the great European struggle.

ith her fleets, subsidies and expeditions, she baffled the power of Napoleon, and finally caged the conqueror of Europe in a sea-girt prison.

Emerging from this struggle with a debt of four thousand five hundred millions, eighty per cent. more than our own, and with a population less than half that within our borders, she has gradually increased her wealth and population until she now meets the entire interest of her debt by a tax upon superfluities, and duties on malt, spirits and tobacco, leaving the revenue from all other sources free to defray the current expenses of the state. Such has been the growth of commerce, that the wealth of the empire was rated, a few years since, at \$30,000,000,000, and the annual growth of wealth at \$650,000,000, sufficient to extinguish the national debt once in six years.

In place of the thirteen colonies, with their population of three millions, lost in 1776, Great Britain has planted colonies on all the highways of nations. Gibraltar and Malta frown upon the Mediterranean. Aden commands the outlet of the Red sea. On the coast of Africa, we find her island of Mauritius, producing annually its 160,000 tons of sugar from a surface of 700 square miles; beyond it Natal, with its sugar, wool and cotton, the Cape of Good Hope, Sierra Leone, Lagos and St. Helena. Proceeding east, we encounter the isle of Ceylon, with its cinnamon and 50,000 tons of coffee, and the great provinces of Bombay, Madras, Bengal and Burmah. Beyond them are Singapore, Labuan and Hong Kong, on the coast of China. Bending our course still further east, we reach Australia, New Zealand and Van Dieman's Land, with a British population half as large as that of the thirteen colonies at the time of their revolt, endowed with mines of gold, and sheepwalks yielding a hundred million pounds of wool. If we double Cape Horn, we find a post at the Falkland islands, in convenient proximity to the great river La Plata. Following the coast of Brazil, we come to Guiana and Demerara, then to Honduras, a cluster of isles in the Caribbean sea, and the fortresses of Bermuda and Bahama.

Proceeding north, we reach the great naval station of Halifax, and come in contact with the provinces of British North America, with a population and commerce exceeding that of the old thirteen colonies, and beyond them lie British Columbia and Vancouver's island, colonies upon our Pacific coast. Wherever green pastures, fertile soils, valuable timber or coal-fields, or commanding sites and fortresses invite occupation, there the red cross of St. George and the morning sun of England salute the rising sun.

And now, before the close of the first century that has followed our revolution, Great Britain, with a stronger hand and increased naval and military power, by the official returns of 1862, has, in place of her thirteen revolted provinces, no less than fifty flourishing colonies, with an

area of square miles	4, 346, 996
population	152, 774, 672
colonial revenue	\$290, 000, 000 00
colonial expenses	291, 000, 000 00
colonial debt	713, 000, 000 00
colonial imports	541, 000, 000 00
colonial exports	474, 000, 000 00
colonial arrivals and clearances, tons	21, 550, 755
joint revenue of United Kingdom and colonies	\$640, 000, 000 00

Great Britain, while creating this empire, has done little to conciliate the United States. It is true we inherit from her our language with the rudiments of our laws, and for these we are grateful; but she has left on our shores few memorials of her kindness, and one legacy, which, like the robe of Hercules, nearly proved our ruin.

It is true that she fought with us against France; but then we fought for our names and altars; she contended for empire; she ever held our interests sub-

90) RECIPROCAL RELATIONS BETWEEN THE UNITED STATES

ordinate to her own; she repressed our enterprise both in commerce and manufactures. When we had broken her fetters on the continent, she compelled us to fight again to avoid vassalage on the sea; and when our national life was endangered by an institution she had founded, she alone broke our blockade, carried munitions to our foes, sweeping our ships from the deep, and prolonging the war. Our nation, while it sympathizes with her masses, holds her government accountable for this injustice, and will insist upon redress.

It is the part of wisdom to examine her position, to measure her strength, and doubtless we shall find that the gigantic empire she has founded has some vulnerable points, and rests on some frail foundations.

INDIA.

We have looked at her colonies grouped together; let us take a brief view of some of her largest outlying provinces. The chief is India, which embraces the great basins of the Indus and the Ganges. Here Great Britain, commencing with a company of merchants, and a few trading posts on the coast, by superior tact and wealth, and in great part by native troops, has gradually subdued kingdoms and principalities, and extended her dominions to the border of Afghanistan, Thibet, and Chinese Tartary.

Here less than a quarter of a million of Englishmen control a million of square miles, and one hundred and forty-seven millions of unhappy subjects.

The climate of India is a dry one, and its fertility is due in great part to irrigation. Many of its ancient rulers have improved its plains by canals, tanks, and reservoirs; but Great Britain, having won from the natives a title by conquest to the soil, was for many years intent on revenue rather than improvement, and suffered many of these works to go to decay. At length, however, she discovered a military necessity for railways, and found remunerative returns in works of irrigation, and of late years has given them her support. A great system of railways, comprising 5,000 miles, has now been in progress for nearly twenty years. A line of 1,100 miles has been opened from Calcutta to Delhi; another is advancing from Bombay to intersect the Calcutta line.

Other lines will connect the waters of the Ganges with those of the Indus.

The government has guaranteed five per cent. and half the surplus profits on these lines, and the Calcutta railway in its first year has a revenue from traffic which exceeds the guaranteed income. A novel policy has been adopted on these lines. While first and second class carriages, with English charges, are used in a few express trains, the masses of the people are transported in open cars at the low rate of half a cent per mile. And this living freight, which loads and unloads itself, is the chief source of revenue, yielding on the Calcutta and Delhi line more than a million per month.

When the English first landed on the coast of India, they found it the chief seat of the cotton manufacture. Beautiful lawns, calico, and muslins of exquisite delicacy, gave employment to populous cities. But the manufactures of India have succumbed to the power and policy of Great Britain.

The shawls of Paisley, the prints and lawns of Manchester, have superseded the shawls and muslins of Delhi, and the manufacture of India has been gradually reduced to that of the gunny cloth which envelopes our grain and cotton. The Indian widow, as if in mourning for the past, sits upon the ashes and weaves her sackcloth.

Great Britain uses India as her plantation to raise opium, indigo, flax, cotton, jute, hemp, and wool, and various dyes for her commerce or home manufacture, and with them has created a commerce of great magnitude and rapid growth.

The exports of British India were, in—

1835.....	\$40, 500, 000 00
1855	101, 000, 000 00
1862... ..	185, 000, 000 00

And during these seventeen years the importations of India have risen from \$31,000,000 to \$186,000,000.

The tonnage which cleared for foreign countries from India, in 1862, was as follows :

British	1, 156, 709 tons.
United States	220, 310 "
French	152, 343 "
Native	124, 350 "

The debt of India in 1862 was \$537,000,000, and its revenue, some \$5,000,000 short of its expenses, was in that year \$219,000,000.

It has since exceeded its expenses.

This revenue is drawn chiefly from the rent of land, export and import duties, and the monopoly of opium and salt.

The duty on spirit is \$1 50 per gallon; on wine, \$1; on tobacco, 12 cents per pound.

India annually absorbs about \$70,000,000 of treasure, principally silver, and its circulation is estimated to exceed \$1,000,000,000.

The commerce of India, like that of the other colonies of Great Britain, is almost equally divided between the mother country and other nations and colonies.

Great Britain relies upon opium alone for more than one-sixth of her Indian revenue; she requires the people of certain districts to pursue its cultivation, and takes it at fixed prices, yielding them small remuneration, and has compelled China to receive it at the point of the bayonet. The revenue from this drug, now \$35,000,000, is annually increasing at the rate of one or two millions. The opium pays for the tea of England, and this is her favorite beverage.

When we consider that this revenue is wrested from the industry of one race, and wrung from the ruin and impoverishment of another, its permanence may well be questioned. The British empire in Asia stands upon no firm foundation. It may be better than the anarchy that preceded it; but it is not founded on the love of the people, and is guided by the interests of a distant state.

AUSTRALIA.

The first settlements of the English on the Australian continent were made since the adoption of our Constitution in 1788. In 1839 the colonial population had risen to 160,000, and now the population of this continent and the adjacent isles has risen to 1,400,000. Their revenue has grown, also, to \$140,000,000.

In 1862 the importations of the Australian colonies were as follows :

From Great Britain	\$79, 000, 000 00
From other countries	78, 500, 000 00
Aggregate	<u>157, 500, 000 00</u>

Their exports, which were at first of little value, have, by the great increase of sheep and the discovery of gold, been carried up to \$133,000,000 annually.

The commerce and wealth of Australia have taken their entire development since our Revolution.

CANADA, NOVA SCOTIA, AND OTHER PROVINCES OF NORTH AMERICA.

These provinces, in close proximity to the United States, had little commerce and a small population at the close of our war for independence; but now their territory and population both exceed those of the thirteen colonies in 1776.

The population of these provinces is equal to one-tenth of our own, and will reach four millions in 1868. Their annual arrivals and clearances in commerce

...and in Great Britain not one person in three has an interest in the soil.

The reverse of this is true in the United States ; our laws favor d would give to every one a sure and permanent home. Primogeni tails have been abolished. The settler on the frontier has been fav emption and grants of homesteads and extremely low prices for tl main ; public grants have been made for railways, and the facilities by sale or mortgage are so great that the masses are tempted to be of the fee.

It is the policy of our laws to elevate the masses, to exempt thei furniture from attachment and distraint for rent, to make them feel t a part of the State and have an interest as well as a voice in its n and this may explain the unanimity with which the people of th tained the state in our late conflict.

The policy of England which gives the land to the few, and to t the land the controlling power in elections, gives less vitality to the

In America men aspire to wealth for its comforts and distinction share it with their offspring. In England a man aspires to land an perpetuate his name, and sacrifices his younger children to pride. elevates the many ; that of England elevates the few and strips the farms remain of convenient size, and are usually occupied by the in England many farms are held as investments by one individu men own half of Scotland. Two hundred own half of England- markable contrast, since England is deficient in land, while our sup and here a farm is rarely let to any one.*

In Ireland there has been in the last quarter of a century a serio agricultural productions. McCulloch, a standard authority among informs us that the agricultural productions in grain, potatoes, cattk were—

In 1839 \$2

Since then they have declined—

The pages of McCulloch to which we have referred present a melancholy picture of the condition of Ireland in 1839. The population of the island, he says, is now eight millions. Of these six millions live chiefly upon the potato, one and a half millions on oatmeal, and half a million on other food. Fifteen persons out of sixteen eking out a miserable existence on food inferior to that of the Snake Indians—ininitely worse than that of the slave.

This wretched population, living in turf cottages without chimneys or windows, half naked, grew in their misery to nine millions. Then came the famine and the fever to sweep away a race whose condition was a disgrace not merely to the empire, but to humanity itself, and then the exodus to America.

Contrast the condition of the Irishman of 1847 in his broken hovel and tattered garments, liable at any moment to be set adrift without a home or a bed, eager from the wretched apology for food upon which he lived, and now emaciated by famine and disease; and contrast the condition of his family with the average condition of each family in the United States, where, by the census of 1860, the returns of our agriculture were so ample that they presented an average for each family in this new country of 1 horse, 4 cattle, 4 sheep, 6 swine, 8 bushels of wheat, 26 bushels of potatoes, 28 bushels of oats, 140 bushels of corn, and nearly a bale of cotton, and ample straw and fodder, besides sugar, tobacco, and other productions.

The conversion of Ireland from oat fields and potato patches into fields of wheat and pastures, with the growth of people in the sister isle, requires a large importation of food into Great Britain. This, in 1865, amounted—

In grain, corn, and flour, to.....	\$130,000,000
In rice, to.....	9,000,000
In pork, beef, and dairy products, to.....	44,000,000
	<hr/>
	183,000,000
	<hr/> <hr/>

This opens a market to the competition of this country, for its supply, with France, Germany, Egypt, Russia, Spain, Italy, and Turkey, but did we have exclusive access to it, such a market would absorb but a small percentage of the \$3,000,000,000 of breadstuffs and provisions produced by the agriculture of the United States.

In 1839 McCulloch estimated the return of agriculture in Great Britain and Ireland at \$1,000,000,000. The decline in Ireland has probably prevented any larger increase since that period. Our returns from agriculture rose to \$2,600,000,000 by the census of 1860, and are now at least threefold those of Great Britain. The surplus in this country is our safeguard in case of war, but the dependence of the British isles on foreign nations and distant colonies for the food of five to ten millions of their people puts them under heavy bonds to keep the peace.

BRITISH MANUFACTURES.

McCulloch rates the annual value in 1839 of the chief manufactures of Great Britain, viz., cotton, wool, flax, silk, hats, paper, glass, iron, and earthenware, at \$583,000,000, and the value of the minerals produced at \$100,000,000, an aggregate of \$683,000,000. We must have passed these points long since, for the census of 1860 presents the amount of our manufactures at nearly threefold that aggregate, and they are still progressive.

The English question our right to include lumber and flour among manufactures; but it is difficult to see why the grooved and often planed board, the finished shingle, lath, and clapboard, or why the bolted and barrelled flour, as well as refined oil, are not as much manufactures as pig iron or castings. If our manufactures are sometimes stated twice; if the leather, for instance, is in-

cluded a second time in boots, shoes, or harnesses, does not English hardware include pig iron, bar iron, and steel in English manufactures, and do not their fabrics of cotton, wool, and silk, include in their amount the foreign material?

In certain branches Great Britain still surpasses America. We manufacture but 1,500,000 tons of iron. Great Britain makes 5,000,000 tons; but we consume, chiefly in other manufactures, three-fifths as much iron as Great Britain. And while her pig and bar iron are worth less than \$100,000,000, our manufactures of iron exceed \$200,000,000.

In 1860 we spun and wove four hundred and thirteen million pounds of cotton, Great Britain one thousand one hundred and twenty millions, and not the larger quantity stated by Sir Morton Peto, who sets down all imported as manufactured. In silk, flax, jute, wool, hemp, and earthenware, Great Britain still excels, but in nearly all other branches we are in the ascendant; and whatever advance Great Britain has made since 1839, our aggregate from the returns of 1860 in minerals and manufactures, unless, as she suggests, we strike off great branches, must exceed her aggregate of manufactures and minerals.

For instance, in leather, boots, shoes, harnesses, carriages, engines, cars, sewing machines, musical instruments, arms, cannon, agricultural implements, India-rubber goods, ready-made clothing, paper, paper collars, manufactures of wood, files, screws, and many minor branches, we are ahead of Great Britain, although in tissues we may not manufacture the amount she produces. In future the rivalry between Great Britain and the United States will be in the last named articles. Both nations are preparing for the contest.

While Great Britain is doubling her production of pig iron once in thirteen years we are opening vast deposits of iron ore, superior to any that she can command, in Missouri, Tennessee, and on the shores of Lake Superior. We are erecting new furnaces, and already produce a million and a half of tons, or more than England made in 1845, and have carried our manufacture of iron in its various forms above \$200,000, drawing less than one-tenth of the pig metal from Great Britain.

If the cotton tax shall be sustained by Congress, and a remission of duty be allowed upon our cloth exported, we may expect a rapid increase of the manufacture both at the north and the south; we now consume two-fifths of the quantity of cotton annually used by Great Britain.

With respect to wool, our manufacture has doubled in less than ten years, our woollen machinery is equal to the manufacture of 200,000,000 of pounds of wool, and we import and produce nearly that amount in 1866. Delaines, worsteds, and mixed fabrics of wool, silk and cotton, bunting, felted cloth and other new fabrics, are now well established and progressive.*

Each nation is largely embarked in manufactures; each guided by a different theory. The theory of Great Britain is free trade. Reduced to practice it is the exchange by commerce of the raw material to which she has given new value for the rude products of other regions. Strong in her insular position: enthroned on her beds of iron and black diamonds; relying on her command of the sea, on her intellectual power, and artistic skill to guard her low-priced labor and varied mechanism; trusting in her accumulated capital to crush competition, her aim to keep down labor by cheap food and beer at home, to crush rivalry and adverse tariffs by the weight of capital abroad; to sell below cost to-day, with a view to large profits to-morrow.

In her eye the laborer is but a machine, endued with life merely to do the bidding of capital, which absorbs the profits while the mechanism is merely kept, like the engine, in repair. The debased and illiterate masses have no interest in the state while they stand on the verge of pauperism.

*The number of sheep in Great Britain is less than 24,000,000, and the wool annually manufactured there is little more than that manufactured here. We have more sheep than Great Britain.

Our policy is the reverse; it is to create and educate men, or import them ready-made, in the full vigor of manhood, instead of importing their manufactures; to use them to subdue the asperities and improve the gifts of nature, and to allow them a full participation in the result, and to hold a part of the country they benefit. To create a vast home market in which the industrious artisan may exchange, at fair prices, his surplus products for those of the industrious farmer. To give him a moderate protection against the capital that attracts the brute force of Europe. The slave, in his early manhood, was worth to a master, in this country, at least one thousand dollars. The free laborer or artisan brings with him, on the average, his \$68; but he is worth to the State at receives him twice the price of the slave. Capital with us doubles in a decade. In twenty-five years the industrious settler or artisan has raised a family, and converted his original capital of \$2,068 into three or four fold that amount in the shape of an improved farm or other property; he has become freeholder, a portion of the State.

In the happy words of another: "Here is the great land of free labor, where industry is blessed with unexampled rewards, and the bread of the workingman is sweetened by the consciousness that the cause of the country is his own cause, his own safety, his own dignity. Here every one enjoys the free use of his faculties, and the choice of activity as a natural right. Here, under the combined influence of a fruitful soil, genial climes, and happy institutions, population has increased fifteenfold within a century. Here, through the easy development of boundless resources, wealth has increased with twofold greater rapidity than numbers, so that we have become secure against the financial vicissitudes of other countries; and, alike in business and in opinion, are self-centered and truly independent. Here more and more care is given to provide education for every one born on our soil. Here religion, released from political connection with the civil government, refuses to subserve the craft of statesmen and becomes, in its independence, the spiritual life of the people. Here toleration is extended to every opinion, in the quiet certainty that truth needs only a fair field to secure the victory. Here the human mind goes forth unshackled in the pursuit of science, to collect stores of knowledge, and acquire an ever increasing mastery over the forces of nature. Here the national domain is offered and held in millions of separate freeholds, so that our fellow-citizens, beyond the occupants of any other part of the earth, constitute in reality a people. Here exists the democratic form of government; and that form of government, by the confession of European statesmen, gives a power of which no other form is capable, because it incorporates every man with the State, and arouses everything that belongs to the soul."

An English statesman suggests that each loom set in motion at Manchester, sets twenty ploughs in motion.

The policy of America is to place the loom where it can move the American, not the French or Russian ploughs, and to place the artisan where he can, in time of war, unite with the yeoman in sustaining and defending the country.

Great Britain requires less than an eighth of the products of our agriculture, and the competition of other nations will supply the larger part of this fraction. Were we to abandon manufactures, and convert our artisans into farmers, how could Great Britain absorb or consume the products of agriculture now used by our artisans, and those in addition that they would produce as farmers? Divert them from the loom, the spindle, and the forge, and their industry would depress the value of our wheat and provisions, and enrich the foreigner.

While it is the wise policy of our country to invite the industrious artisan and yeoman from abroad, and to encourage manufactures, it may safely be conceded that it would be most unwise to erect an adamantine or Chinese wall round our country to exclude the products of other nations.

Great Britain requires a portion of our cotton, tobacco, petroleum, flour provisions. Nature has placed the fossil salt, coal, iron-stones and materials for earthenware, and porcelain, near her seaports. All these should pass through our custom-house at moderate duties, for they give return freights to our ships and add thereby to the returns for the products we export. The iron and steel, too, will meet the iron and steel of America in our northern seaports, and keep up a healthful competition with our own. We shall, too, ever receive many new and costly fabrics from Great Britain, which we may well receive and, by duties on these and her other fabrics produced by cheap labour, add to the revenue of the nation and give a stimulus to our own manufactures; but were we to abandon our water-power and our mechanism, and rely on England alone for our supply of cloth and hardware, we should bid adieu to our gold and silver, if not to our national obligations.

COMMERCE.

Our free trade is upon a gigantic scale in the free commerce we conduct on the principal part of this continent by rail, canal, lake, river and ocean navigation. That of England is very extensive, but limited by foreign wars. Her imports and exports have tripled in the last twenty-three years, as shown by the following table :

Exports and imports of the British isles.

1842	\$655, 000,
1853	1, 285, 000,
1863	1, 975, 000,
1865	2, 150, 000,

And singular as it may seem, the imports during this period have exceeded the exports by \$7,500,000,000, nearly twice the amount of the nation's exports. With respect to the amount of exports the chief cities of Great Britain present the following amounts for the year 1862: Liverpool, \$250,000,000; London, \$156,000,000; Hull, \$60,000,000; Glasgow, \$30,000,000.

The exports for 1863 are classed by R. H. Patterson, in his recent work, as follows :

Manufactures from foreign materials, chiefly textile fabrics ..	\$500, 000,
Metals, machinery and hardware, and manufactures of	
British materials	180, 000,
Articles not included	52, 000,
	<hr/>
	732, 000,
	<hr/>

Importations.

For food, corn, flour, provisions and dairy products	\$183, 000,
Sugar, tea and coffee	135, 000,
Wine, spirits and fruit	46, 000,
Tobacco	15, 000,
Wood	54, 000,
Oil and tallow	20, 000,
Materials for manufactures	514, 000,
Guano and oil-seed cake ..	16, 000,
Manufactures	30, 000,
Spices and articles not enumerated	235, 000,
	<hr/>
	1, 248, 000,
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The value of the manufactured goods imported falls below two and one-half per cent. of the entire importation. Among the chief exports of the British isles in 1865 we find many coarse articles which give employment to ships, while valuable goods are sent by steamers, viz :

Coal, 9,189,000 tons ; value, \$22,000,000. Iron and steel, 1,615,000 tons ; value, \$167,000,000. Soda, 126,000 tons ; value, \$6,000,000.

Among the imports we find—Copper ore, 222,000 tons ; guano, 237,000 tons ; flax, 100,000 tons ; hides, 40,000 tons ; espartero for paper, 52,000 tons ; hemp, 50,000 tons ; breadstuffs, 100,000,000 bushels.

The principal exports were made to the following countries in their respective order : The United States, India, Australia, Germany, France, Holland, Turkey, Egypt, Brazil.

Great Britain accumulates in her warehouses large quantities of foreign goods, and has on hand or upon the sea more than a year's supply of tea, coffee, spices, tobacco, spirits, wine, and brandy, and large supplies of timber, sugar, cotton, wool, and other staples, so that she is well prepared for a temporary interruption of her commerce. It was not until 1862 that she felt severely the effects of the interruption of the supply of cotton.

Her annual consumption of tea, coffee, sugar, wine, brandy, and wool, is estimated as follows : Tea, 100,000,000 pounds ; coffee, 28,000,000 pounds ; sugar 1,125,000,000 pounds ; wine, 114,000 pipes ; brandy, 23,100 pipes ; foreign wool, 107,000,000 pounds.

BANKS.

The commerce of Great Britain is facilitated by numerous banks. The aggregate circulation is restricted to \$188,000,000, while the metallic circulation of gold and silver in the two isles is set at \$420,000,000—aggregate \$608,000,000.

In addition to this a considerable amount of exchequer bills and bills of exchange at thirty to sixty days is circulated by merchants.

The whole number of joint stock and private banks in the sister isles exceeds five thousand, and the aggregate amount of deposits is \$1,500,000,000.

There are in England sixteen hundred joint stock banks. Of these sixty-one are authorized to issue bills to the limited amount of \$15,000,000.

One hundred and forty-two private banks are empowered to issue bills not exceeding in all \$16,000,000.

The Bank of England may issue to the amount of \$70,000,000, and beyond that amount, in case a pound in gold is reserved for every pound in currency.

The chief institution of Great Britain is the Bank of England, which is closely identified with the government and manages the national debt. Its capital is \$70,000,000, its reserve of profits is \$15,000,000 more, but all the capital and reserve excepting \$30,000,000 are borrowed by the government and are useless for discounts.

Although permitted to issue notes to the extent of \$70,000,000, it is required to keep in reserve specie to the extent of its issues beyond its loan to the government, but it is not restricted as to its rate of discount.

The average deposits with this institution, including government bonds, are \$100,000,000, and its profits range from ten to twelve per cent. The bank pays annually to the government \$600,000, or less than one per cent. for its privileges.

In former times the banking business of London was conducted in great part by private bankers, but of late years many of their firms have been superseded by joint stock banks, which do most of the business of London.

There are now in London twelve joint stock banks, with an actual capital of \$30,000,000 in addition to reserved profits, and their deposits amount on the average to \$400,000,000, and their discounts are often more than ten times their

capital. To secure deposits they allow interest to the depositors. Their profits have been as high as 30 per cent. In addition to these banks are several discount houses that keep accounts with the Bank of England and discount short bills of exchange.

In Ireland there are six joint stock banks authorized to issue six millions of currency.

In Scotland banks have been established for one hundred and fifty years; they are now thirteen in number, six of which may issue a circulation of \$22,000,000.

The stockholders in these Scotch banks are all liable for the engagements. They are so cautiously conducted that none of them has ever failed to pay its bill-holders and depositors. It is their practice to keep a reserve equal to one-third of their notes and deposits, and to allow an interest of three per cent. to their depositors upon their daily balances.

These banks have no less than six hundred and fifteen branches diffused through all parts of Scotland, which attract from the farmers and small traders their accumulations and transfer them to the commercial centres, where they are profitably employed. These facilities have done much to stimulate the growth of Scotland, which, under a sky of steel, a harsh climate, with great asperity of surface, has in the last century made more rapid progress than any other portion of Europe. Much is due to the management of its banks and bankers, to cash credits and allowance of interest on deposits, which empty the till and the stocking into the vault of the central banking-house, which collect and gather up and utilize all the dew-drops, rills, and rivers of wealth, and pour them in fertilizing streams over the country. They may well be copied in America.

But while we find much to admire in the banks of Scotland, the banking system of Great Britain has no form or symmetry, presents many imperfections, and is inferior to the new system of the United States.

The circulation is anomalous and irregular, based partly on public securities, partly on the strength of joint stock companies, subject to few restrictions, and partly on the credit of individual bankers; and no institution, except the Bank of England, makes any return to the state for the privilege of creating a currency.

While our national currency pervades the country from the bay of Fundy to the Rio Grande, from the highlands of Neversink to the Sierra Nevada, the bills of the private banker rarely circulate beyond his own city or county.

The active capital of the Bank of England and of the twelve joint stock banks of London, in the aggregate but \$62,000,000, is an insufficient and unsafe basis for \$500,000,000 of deposits and a still larger average of discounts. An average loss of ten per cent. upon the paper discounted would submerge all the joint stock banks of London, and such losses may be anticipated in commercial revolutions when we see cotton decline 35 per cent. in less than six weeks, with an attendant loss to the British merchant of more than \$100,000,000. The perils to which the nation is exposed by such a system of banking are illustrated by the suspension of the Barnard Banking Company, Overend, Gurney & Co., and other joint stock banks, with liabilities of \$130,000,000, based on a capital less than one-tenth of the amount, and by a panic to which the Bank of England itself was obliged to bow.

Again, the permission to raise the rate of discount to ten per cent. or more accorded to the Bank of England, makes it the policy of the bank to keep up interest, while profits of 30 per cent., in a country where consols pay but three, stimulate gambling.

If a profit of 30 per cent. can be made from the deposits or circulation of the banks, should it inure to the benefit of the nation, or to that of adventurers or gamblers? Panics are, and well may be, prevalent in London. The nation relies upon foreign nations or distant colonies for its food, and at the same time

intrusts its national credit to institutions which take risks unprecedented in America.

AMERICAN BANKING SYSTEM.

Let us contrast our system with that of Great Britain. Our banks, sixteen hundred in number, are all homogeneous, and based upon the same statutes.

Their capital is limited to \$400,000,000, and their circulation to \$300,000,000. They are required to make monthly returns to the national government, and a summary of these returns, showing the amount of their circulation and deposits, is published and circulated quarterly. A late quarterly return exhibits their deposits in round numbers at \$500,000,000.

The law requires them to protect their circulation by a deposit, in the national treasury, of United States bonds with a margin of ten per cent. It requires all the banks in the chief cities to hold in specie, greenbacks, or other legal tenders, twenty-five per cent. of the amount both of their circulation and deposits.

Their circulation is apportioned and their bills are issued to them by public officers, and are receivable for taxes and by all banking associations. No panic or revulsion sends them home, and they have the same currency as a legal tender.

As they are amply secured by a deposit of stocks and bonds in the national treasury, the reserve to meet them becomes applicable to the deposits, and these national banks, with an aggregate of \$300,000,000 circulation and \$500,000,000 deposits, amounting to \$800,000,000, twice their capital, must keep reserves of \$200,000,000 in gold or legal tenders, sufficient to pay at once two-fifths of their deposits.

In no former panic, before circulation was secured, have our banks been required to pay out two-fifths of their aggregate deposits. Now, to meet this amount, they have not only two-fifths in reserve, but all their discounted paper, and the margin of their stocks pledged to the government.

TAXES AND CHARGES.

It is estimated by those who are conversant with banking, that the annual cost of conducting a bank in the United States is $2\frac{1}{2}$ per cent. upon the amount of its capital. This covers salaries, rents, postages and losses, and this must be deducted from revenue before a division of profits.

Under our banking law, a further deduction of ten per cent. on profits is made, until a surplus or contingent fund of twenty per cent. is realized.

But in addition to these necessary deductions, a large amount is required by government for the privileges conferred.

The government calls upon the banks,

First. For a tax of 1 per cent. on circulation, equivalent to an average on capital of	$\frac{3}{4}$ of 1 per cent.
Second. For a tax of $\frac{1}{2}$ of 1 per cent. on average deposits, equivalent to	$\frac{5}{8}$ of 1 per cent.
Third. For a tax of $\frac{1}{2}$ of 1 per cent. on capital not invested in national securities	$\frac{1}{8}$ of 1 per cent.
Fourth. For an income tax of 5 per cent. on profits to be paid to shareholders, estimating these at 10 per cent.	$\frac{1}{2}$ of 1 per cent.
The State, county, and town tax on the stock, including that on banking houses in 1865, in Massachusetts, exceeded	$1\frac{1}{2}$ per cent.
Aggregate	<u><u>$3\frac{1}{2}$ per cent.</u></u>

Let us assume earnings of the United States banks to have been, during the past years,

100 RECIPROCAL RELATIONS BETWEEN THE UNITED STATES

From discounts.....	\$49,000,000 00
From coupons and bonds, \$333,000,000.....	20,000,000 00
Profits on sale of gold, and other items.....	1,000,000 00
	<hr/>
The aggregate is.....	70,000,000 00
	<hr/> <hr/>

Seventy millions are equivalent to $17\frac{1}{2}$ per cent. on capital ; and if we deduct charges $2\frac{1}{2}$, taxes $3\frac{1}{2}$, and percentage of one-tenth the profits carried to the surplus fund, say 1 per cent., and a half per cent. for contingencies, the residuum of ten per cent. remains for dividend.

This residuum is of course subject to the deduction of any interest allowed to depositors. We are led by this analysis to the conclusion that if money continues to average seven per cent. the banking system of the United States can return three and one-half per cent. to the government, an aggregate of \$14,000,000, and ten per cent. to the stockholder with a reserve of one per cent. which may possibly be offset by some concessions to the depositor.

We have adverted to one feature in the banking law which secures the depositor the reserve of twenty-five per cent. in legal tenders, but we have not adverted to the additional revenue this gives to the government. It places in the vaults of the banks \$200,000,000, or nearly that amount of the national debt in the shape of legal tenders as a *corps de reserve*, and the government thus saves the interest. This is equal to a further tax of three per cent. on bank capital. Thus directly and indirectly will the government realize \$26,000,000 annually from the banks, an amount equivalent to *six and one-half per cent.* on the aggregate capital, and nearly nine per cent. on the circulation.

In our revolutionary war, when public credit was exhausted and colonial and continental bills had ceased to circulate, the little bank of Robert Morris rendered invaluable aid to the country, and with its capital of \$400,000 enabled Washington to take the field and make his last and most brilliant campaign.

In our last protracted struggle the country has again been obliged to fall back upon its banks, and to inaugurate a national banking system, which has rendered service still more valuable.

The bank of Morris sinks into insignificance when we compare its capital of \$400,000 with the \$400,000,000 of our national banks. The nation has grasped this capital, converted it into national bonds, based upon it a currency of \$300,000,000, and devoted this to banking purposes. Not content with the first loans it has required the national banks to take \$200,000,000 more of legal tenders and hold them in their coffers.* Not content with this it has called upon them to contribute as a return for banking privileges the interest of \$230,000,000 more in taxes, for the support of the government.†

Again, it has employed them to collect without charge all the little rills and streams of revenue, and pour them in large rivers into the national treasury.

Again, it has called upon sixteen hundred national banks to diffuse its bonds over the whole surface of the country, and to gather in loans from every shop, farm-house, and cabin, the savings of industry, to sustain the armies and navy of the republic, thus utilizing all the resources of the country, and devoting them to the service of the nation. Let due honor be given to him who inaugurated our national system of finance, which has not only sustained the state, but has given to its commerce a uniform currency from Maine to Texas. If it is not perfect, if it requires any further expansion, any restraint upon its discounts, any relief from taxation, let the nation still study its improvement.

Nil actum reputans si quid restat agendum.

* A part of these legal tenders, as compound-interest notes, have thus far drawn interest, but the interest will cease January, 1867.

† The tax on stamps and licenses is to be added ; it will amount to three-eighths of one per cent. on circulation.

CONCLUSION.

the ministers of England annually congratulate her people upon the progress of the nation, and under their guidance England, although sorely troubled by the affairs of Denmark and Italy, has most wisely refrained from involving herself in continental questions.

It must be confessed that there is much to encourage England in her onward march. The sanguine Englishman sees, in his dreams, all the nations of the world in caravans or long processions, in fleets of ships, and bearing all the burdens of the earth, moving to the great temple which England dedicates to commerce; but sometimes, in his dream, an unseen hand writes upon the wall, "Mene, Mene, Tekel, Upharsin," and it is for the interpreter to say whether it be the Median or Fenian who is to shatter his portals or whether his empire is secure.

We have glanced at the foundations of England's greatness; let us present some conclusions.

The strength of Great Britain rests—

1st. On its insular position, defended by seas that have kept its shores forever inviolate, and prevented the devastation that war has occasioned on the continent.

2nd. Upon its salubrious and invigorating climate, which has produced and nurtured an enterprising race, but partially educated, whose latent power waits the development of the future.

3rd. On those ancient institutions of learning which have cherished religion and science, and cultivated the faculties of the privileged classes.

4th. On the great development of agriculture.

5th. On her unremitting efforts to maintain the dominion of the sea, which enables her to maintain a growing population while depending upon remote islands for a large part of their food and materials, and gives security to her colonies and widespread commerce.

6th. On her vast stores of mineral treasure, easily accessible and already adapted to use, sufficient for at least a century to come. These, with her active population, are the chief bases of her manufactures.

7th. On her vast capital, the accumulation of many centuries, which is the life-blood of her manufactures and commerce, which enables her to trade with distant regions, and to invest in the most lucrative enterprises, and thus to maintain in affluence a large portion of her people who can supply the sinews of war in any collision with other nations.

8th. On her manufactures, in the aggregate of which she surpasses all others of Europe. Continental nations may rival her in silk, wool, or linen, but in metals and cotton she has as yet no rival.

9th. On her vast navigation and external trade. In a recent financial statement, Mr. Gladstone informs the world that the external trade of Great Britain exceeds that of France and the United States combined; and this is no less true. If we add to the exports and imports of Great Britain the exports and imports of the colonies, which do not touch the British isles, we have an aggregate of more than \$3,000,000,000 annually.

10th. Our external trade sustains a navigation less before the late war than our coasting trade; but now, by the absorption of one or two million tons of our shipping, it has increased up to at least six million of tons.

Let us now glance at the weak points of this gigantic empire. It appears—

1st. That its legislation is so improvident as to degrade and impoverish the mass of its people for the benefit of a few privileged classes. That not one in three hundred has any interest in the soil or fixed capital of the country; that nearly half the population of England can neither read nor write; that unwise laws are gradually concentrating the real estate and personal property, and with them the offices of church and state, by entails not easily broken,

in the hands of the privileged classes; that the suffrage, instead of being extended, as with us, to six millions of men, most of them freeholders, is confined almost entirely to the rich landholders or their tenantry, thus making the land the great controlling power of the state. And if, by chance, the poor man acquires wealth, the aristocracy opens to absorb him and estranges him from his fellows.

The government rests in Great Britain upon the privileged classes, and not upon the interests of the many. It resembles an inverted pyramid with the base overhanging; it rests upon traditional respect, "*Stat nominis umbra.*" As in India, the few control the many for the benefit of the few, and neither in India, where the hidden fire still glows in its ashes, nor in Ireland, where the masses are still imbued with a burning sense of injustice, nor in Great Britain itself, where nine-tenths of the population are landless or disfranchised, can the imperial government call to its aid in the hour of trial, as we have done, the masses of its people, ready to face any danger, to sacrifice any property, children, life itself, for the national flag. Can it find such a material in the ale-houses or gin-shops, or in the asylums for the poor to which it has doomed so large a part of its people by vicious legislation?

Second. The strength of Great Britain rests upon its navy; but is that navy to-day in its iron-clads, in its models, or the calibre of its cannon, in the discipline and experience of its officers and men, a match for the navy of the United States? Could it against that navy, either alone or combined with that of France or Russia, defend all the ports of Great Britain, most of them unfortified, or all its colonies, or all the commerce that floats between them?

Third. Great Britain has colonies, and many of them furnish coaling stations in time of war; but are these coaling stations in her colonies impregnable? may they not be appropriated by the power which shall in either ocean obtain the ascendancy?

Does not the very extent of the British empire, the very magnitude of its commerce, constitute its weakness? And if one Alabama, one Shenandoah, and one Tacony have deprived us of one or two million tons of shipping, what would be accomplished by the hundred and fifty armed steam-ships which the United States now have in commission or nearly ready for sea?

Fourth. Her banking system is weak and defective. Ours the reverse.

It is due to Great Britain, when pointing out her grave errors and defects, to concede that she has of late years evinced some interest in the masses, and more sensitiveness to the claims of humanity than ever before.

She exhibits this in her liberal contributions to missions and bible societies, by larger appropriations for education, and provisions for the support of religion. She has freed her slaves and assumed a moiety of the loss; she has conceded to the Jew and the Roman Catholic the rights of citizens, long withheld, given schools to Ireland, and grants to Roman Catholic colleges. It may be that all this does not originate in pure benevolence; that enlightened self-interest may have something to do with it; that the priest, as Sir S. Morton Peto tells us, may march to the polls at the head of his flock, and vote with them for the government; that he may discountenance the Fenians; that the diffusion of knowledge may teach the poor to respect superiors, or to communicate with friends across the sea, and aid them in securing happier homes and in realizing better fortunes abroad. Be this as it may, the movement is in the right direction, tends to ameliorate the laws, and gradually improve the condition of the poor on both sides of the channel.

As respects the extent of our foreign trade compared with that of England, Mr. Gladstone was no doubt right in his report to Parliament; but he omitted, as well he might, to draw attention to the development of our vast inland commerce by sound, river, lake, canal, and railway.

In British commerce, if a vessel crosses from England to Germany or Port-

gal she is met by duties; the trip is a foreign voyage, and both the cargoes transported enter into external commerce; but if our ships make voyages to the Delaware or Chesapeake, or the Atlantic cotton ports, or to the gulf of Mexico, a distance it may be of a thousand miles or more; or if they round the Cape and run seventeen thousand miles to California, Oregon, or Washington Territory, all this with us is coastwise or internal commerce. In this great home trade we exchange most of our importations as well as manufactures for the productions of our mines and agriculture. Their aggregate amount by the census of 1860 was nearly five thousand millions; and now, with due allowance for the war, they must exceed six thousand millions. Concede that the foreign trade of Great Britain is annually \$2,000,000,000; concede that \$1,000,000,000 more of the commerce of her colonies and foreign possessions is not included in her returns of the commerce of the British isles, the aggregate is but half the amount of the internal commerce of the United States, the great free trade of America.

The United States have, for their agriculture, an area thirty times as large as the British isles, which yields the rice, sugar, and tobacco of the south, with the wool, dairy products, animals and cereals of the north, most of which, from Maine to Texas, is competent to produce its harvest of Indian corn. When the Englishman is told that there are vast tracts in the west, on the borders of some of the rivers, that for half a century, without any fertilizer, have given the cultivator an annual crop of fifty bushels to the acre, and yield the nation annually 1,000,000,000 bushels of breadstuffs, he is slow to realize the fact; still more, the well authenticated fact, that a single acre of maize has yielded two hundred bushels, and another 160,000 pounds of green food, and the same acre 35,000 pounds of dry fodder, and that its husks may be converted into cloth, paper, and mattresses. When, in the remote future, population shall press even here upon the means of subsistence, we have a plant which can provide, from a single acre of highly cultivated land, a man and his wife with cloth, paper, and beds, with milk, cheese, and butter, with animal and vegetable food sufficient for their maintenance. It is a further satisfaction to learn that nature has been alike liberal in her mineral bounties. Not only has she placed beneath us rivers of oil, but gold, silver, mercury, lead, copper, and iron.

Mr. Gladstone, in his recent statement to Parliament, suggests the policy of reducing the national debt before labor and active capital shall be withdrawn from England to other and more favored regions, and reminds his country that in less than a century its coal-fields, the chief source of its prosperity, will be entirely exhausted, if consumption continues to advance at its present rate of progress; and at the same time apprises it that the area of our coal-fields is at least thirty-seven times as large as that of the coal-fields of Great Britain, while we still resort to the forest for our fuel, and to our cataracts for water-power, and consume annually less than one-third of the coal used in Great Britain.

At the present moment our nation calls upon each of its inhabitants for an average contribution of fourteen dollars to meet our expenses, the interest of our debt, and to reduce its principal, while Great Britain calls upon each of her people for eleven dollars only.*

In two or three years more we shall have reduced our interest-bearing debt to less than \$2,000,000,000, and our annual interest to \$100,000,000, our expenses to \$120,000,000. With a population of 40,000,000, we shall then require but five dollars and a half from each of our people, or one-half the amount contributed in Great Britain.

Before that happy hour arrives we have reason to anticipate the retirement of France and Austria from our Mexican frontier. It is safe to predict that we

* By the issue of our bonds at par we raised nearly as much money as Great Britain raised in her contest with Napoleon, but by 1869 our debt will be half that of Great Britain.

shall then be ready to adjust our unsettled accounts with Great Britain. This nation will not tamely submit to gross injustice, or invite a future repetition of national injuries, however desirous it may be to preserve the peace. Relying upon the justice of its cause, it will, for the last time, ask redress of England, and that redress, it may be predicted, will be given.

CONSULATE OF THE UNITED STATES OF AMERICA,
At Halifax, N. S., November 13, 1866.

DEAR SIR: It having been claimed that the coasting trade of the British provinces is conceded to vessels belonging to the United States, I deem it important, for the information of our government and people, to call your attention to the imperial act upon this subject, which absolutely prohibits American, as well as all other *foreign* vessels, from any participation in the coasting trade of *any of the British possessions*.

The language of the imperial act (16 and 17 Victoria, chapter 107, section 163) is as follows: "No goods or passengers shall be carried from one part of any British possession in Asia, Africa, or America, to any other part of the same possessions except in *British ships*." It is true that American vessels can go from one British colony to another, as, for instance, from Halifax, Nova Scotia, to St. John, New Brunswick, and from St. John to Melbourne, Australia; but each of these colonies, although forming a part of the British empire, is under a separate colonial government, and has its separate tariff, separate currency, and separate custom-house regulations. And in each and all of them, by the imperial act, American and other foreign vessels are prohibited from carrying either goods or passengers from one port to another port of the same colony.

It may be important to add, that although American vessels may to-day proceed from *province* to *province*, yet should the confederation of the British North American provinces now proposed be consummated, even this limited privilege will be liable to be taken away, unless some provision be made to perpetuate the rights which we now enjoy.

I am, with great respect, your friend and obedient servant,

M. M. JACKSON,
United States Consul.

E. H. DERBY, Esq.,
United States Commissioner.

EXTRACTS FROM "VANCOUVER'S ISLAND AND BRITISH COLUMBIA," BY
MACFIE.—LONDON, 1864.

Victoria is more flourishing and populous than any other centre in this or the sister colony, and is palpably marked out by the unrivalled advantages of its geographical position for the grand British mercantile emporium of the Pacific in coming years. Nothing could exceed the loveliness of its environs. Whether approached by land or by sea from Esquimaux, the gentle slope on which it stands exhibits, with fine effect, the buildings of all forms and colors that continue to rise in quick succession.

Large patches of excellent land exist in the vicinity, and in whatever direction the admirer of nature turns, his vision is charmed with scenery charmingly diversified.

The climate of the island is rendered proverbially genial, productive, and salubrious from an interesting variety of causes. The temperature of the Pacific coast generally is known to be much milder than that which obtains on the

nding shores of the North American continent in the Atlantic. The al line belonging to latitude 40° in the latter ocean passes through the of 55° in the former, thus rendering the climate of Fort Simpson equal of New York. For lucid illustrations of this principle, the reader is di- consult the instructive work of Lieutenant Maury, entitled "The l Geography of the Sea." But the insular position of this colony, with al circumstances, combine to secure for it a climate of singular equability. alt springs existing on Admiralty island and at Nanaimo have already erred to in this volume. A gallon of water from the latter place, when l, produced a pound of salt, while sea-water only yields $4\frac{1}{2}$ ounces. ing on the island is capable of supplying a gallon a minute, the specific of the water being 10.60.

passing about twenty miles of coast-line from the north end of this e arrive at Nanaimo, which is distant seventy miles from Victoria. The f this infant town ranks next to that of Victoria in importance, and affords odation for a large number of vessels. Brine springs exist here also, analysis of their waters gives a result of 3.446 grains of salt to the im-llon.

is to the extensive coal formation in the vicinity that Nanaimo has to its ultimate expansion. The coal mines here, even at their present ge, give steady employment to several hundred men. Formerly the of the old Hudson's Bay Company, they were recently transferred to prising joint stock association in England, distinguished by vigor im- bly beyond their predecessors. Other companies have set to work upon ntiguous to those of the Nanaimo concern, and the period cannot be far when a large export trade in this article will be carried on between n territory and the colony.

rsuing our course along the southeast coast of the island, we pass the ral settlements of Sooke and Metchosin; the former within the past ths has, by the discovery of coal and copper, but especially of gold, been from a scene of rural quiet into a hive of busy industry. Soon we come of the magnificent harbor of Esquimault, distant eight and a half miles ce Rocks. It is two miles by three in extent, with an average depth to eight fathoms of water, and affording unquestionably the most per- ter to ships of large tonnage that can be obtained between this locality Francisco—750 miles further south. In this capacious place of anchor- tion of her Majesty's Pacific squadron already rides, and eventually ult is certain to assume the position of chief depot for the royal navy in in. Here steamers from California land freight and passengers, and in ears the present village will expand into the dimensions of an important ose wharves will be gay with the shipping of all nations, and lined with s wholesale warehouses for the accommodation of merchandise from the the west, to be distributed to every country on the North American the Pacific.

miles eastward of Esquimault are the city and harbor of Victoria. rance to the harbor, which is narrow and intricate, may, without the rger, be approached by vessels drawing fourteen or fifteen feet of water dinary circumstances. At the top of spring tides vessels drawing sev- eet can enter. A dredging machine has been procured, by means of e depth will be increased; and arrangements are about to be made for some rocks at the mouth of the harbor, which constitute the principal on to its safe navigation. The inlet, which forms an extension of Vic- bor, is several miles long, and at one point is separated from Esquimault y a neck of land only 600 yards in width, through which it is not im- that, when the growing necessities of commerce demand, a canal may o that the two ports would, in that event, be conveniently connected.

Those anxious to see British Columbia and Vancouver's island colonized by emigrants from Great Britain hailed the reconstruction of the Hudson's Bay Company as likely to bring about a solution of the difficulties that had so long retarded the settlement of the interior, and to inaugurate a policy favorable to the realization of hopes deferred, respecting the formation of a highway from ocean to ocean.

But the remarks of the governor of the company, Sir Edmund Head, at a meeting of the shareholders held on the 28th of November last, are calculated to excite the inquiry whether the dependence we have been encouraged to place on the liberal promises of the company has any solid foundation.

In reply to the question of a shareholder, as to the intention of the directors in reference to the opening up of the territory east of the Rocky mountains, Sir Edmund, with less official reticence than might have been expected on such an occasion, said: "They (the company) would do all they could to open the territory and to cause roads to be made on such terms as the company could afford, but it was not intended by them to sacrifice the fur trade."

He asked, "Were the proprietors prepared to sacrifice that trade, producing a certain income, and to go headlong into another, as a speculation?"

In the earlier part of the proceedings the governor said that—

"At the present moment the fur trade was not a failing trade: on the contrary, the proceeds had been increasing for some little time back. The actual proceeds of the fur trade in 1861 amounted to £210,509 19s. 2d.; in 1862 to £216,708 9s. 9d.; in 1863 to £222,729 15s. 5d.; and in 1864 to £262,869 4s. 4d. (Cheers.)

"At that moment they had every reason to think that the imports of the present year (not yet made up) would considerably exceed those of the last. They would probably be £30,000 or £40,000 above the imports of the last year in value.

"Some exertion has been made by the British government during the last forty years in aiding the passage of needy subjects abroad, but it has generally been confined to periods of famine or industrial distress, and as much care has not in all cases been taken as concern for national advantages should have prompted to give our colonists the benefit of this tide of emigration. In the year 1847, and subsequently, the bulk of emigrants from Ireland were sent to the United States. It is probable that those objects of British bounty would be the last to find fault with their destiny in this respect.

"That, under these circumstances, the railway will be made, sooner or later, there can be no doubt. With interests so numerous, so vast, and with such means at command, the difficulty of constructing this Hudson's Bay railway ought to assume the most moderate proportions. Great Britain, Europe, Canada, the States of America, British Columbia, New Zealand, Australia, the Hudson's Bay Company, and the International Financial Society all want the railway, and would all gain by the railway; and it would be amazing if, with such interests and such resources, it could not be made, and made properly. In India state guarantees have been given, and are promised, upon railway capital sufficient to construct this line ten times over, and it is a question whether any one Indian railway is more useful than this, even for state purposes.

"Here, where the climate is the most healthful of the continent, within territories still acknowledging the flag of England, still forming part of the empire, the most interested of any nation in quick and in secure communication with the east, and in whatever tends to advance the cause of civilization and of commerce, here nature has marked out the line across the continent, and has abundantly combined every facility for its completion.

Whether our place of starting be Europe, the west coast of Africa, the West Indies, or the eastern coast of the North American continent, if our goal be the Pacific or the east, our best route, nay, almost our only one, is across the great

lain of central British America. There is, in fact, the point of junction where all the traffic of the continent from the south, from the east, and even from the north, most naturally unites; if its destination be the yet further west, until that word is lost in its aim and goal, the east or the antipodes. We are hemmed in in this position. We cannot alter the earth's spheroidity; we cannot change relative distances; we cannot do away with the physical conformation of the earth; we cannot, though we may nearly double the distance, get rid of the great arid and rainless desert in the territory of the adjoining republic.

Adjoining are the new territories of the United States, ready to pour in their contribution and their wealth; whether from Minnesota by the Red river, or by the Mississippi from the States of the south, and from any point, in fact, between New Orleans and the northern extremity of Maine, from Canada, or from the Gulf provinces. Even if we look to the far north, if the utmost abbreviation of distance has been the object, and the far east the goal, by taking advantage of the proper season we may shorten the distance from Europe 1,500 miles, by proceeding across Hudson's bay. But from wherever we may come, we necessarily unite in that great stream of traffic that, bound for the Pacific or the east, meets on the plains of the Red river, or the Saskatchewan. It is a simple fact, that one that must exert an irresistible force in favor of this route."

Mr. Mac Fie gives the following extract from the speech of the late Mr. Benson, in the Senate, on the Ashburton treaty:

"When the line reaches the channel which separates Vancouver's island from the continent, (which it does within eight miles of Frazer river,) it proceeds to the middle of the channel, and thence turning south through the channel De Haro (wrongly written Arro on the maps) to the straits of Fuca, and thence west through the middle of that strait to the sea. This is a fair partition of these waters, and gives us everything that we want; namely, all the waters of Puget sound, Hood's canal, Admiralty inlet, Bellingham bay, Birch bay, and with them the cluster of islands,* probably of no value, between De Haro canal and the continent."

EXTRACT FROM THE VOYAGE OF DISCOVERY OF A. MACKENZIE.

From Slave Lake to the Pacific—1793.

"PEACE RIVER—Latitude 56, longitude 120—May 10.

"From the place which we quitted this morning, the west side of the river displayed a succession of the most beautiful scenery I had ever beheld. The ground rises at intervals to a considerable height, and stretching inwards to a considerable distance; at every interval of pause in the rise there is a very gently ascending space or lawn, which is alternate with abrupt precipices to the summit of the whole, or at least as far as the eye could distinguish. This magnificent theatre of nature has all the decorations which the trees and animals of the country can afford it; groves of poplars in every shape vary the scene, and their intervals are enlivened with vast herds of elks and buffaloes, the former bounding the steeps and uplands and the latter preferring the plains.

"At this time the buffaloes were attended with their young ones, who were playing about them; and it appeared that the elks would soon exhibit the same enlivening circumstance.

"The whole country displayed an exuberant verdure; the trees that bear a blossom were advancing fast to that delightful appearance, and the velvet rind of their branches, reflecting oblique rays of a rising or setting sun, added a

* It will be seen by the map that this cluster includes San Juan.

splendid gaiety to the scene, which no expressions of mine are qualified to describe.

“ The east side of the river consists of a range of high land covered with the white spruce and the soft birch, while the banks abound with the alder and the willow.”

“ LATITUDE 56.16, LONGITUDE 122, *May 17.*

“ Mr. Mackay and one of the young men killed two elks, and mortally wounded a buffalo ; but we only took a part of the flesh of the former.

“ The land above the spot where we encamped spreads into an extensive plain, and stretches on to a very high ridge, which, in some parts, presents a face of rock, but is principally covered with verdure, varied with the poplar and white birch tree. The country is so crowded with animals as to have the appearance, in some places, of a stall-yard, from the state of the ground and the quantity of dung which is scattered over it. The soil is black and light.

“ We this day saw two grizzly and hideous bears.”

RAILWAY EXTENSION AND ITS RESULTS.—BY R. DUDLEY BAXTER, M. A
[Read before the Statistical Society, November 20, 1866, Colonel Sykes, M. P. in the chair.]

VIII.—RAILWAYS IN BELGIUM AND HOLLAND.

Belgium is one of the most striking instances of the benefit of railways. In 1830 she separated from Holland, a country which possessed a much larger commerce and superior means of communication with other nations by sea and by canals. Five years later the total exports and imports of Belgium were only £10,800,000, while those of Holland were double that amount. But in 1833 the Belgium government resolved to adopt the railway system and employed George Stephenson to plan railways between all the large towns. The law authorizing their construction at the expense of the state passed 1834, and no time was lost in carrying it out. Trade at once received a new impetus, and its progress since that time has been more rapid than in any other country in Europe.

The following table shows the activity with which the lines were constructed. We must remember that Belgium contains only one-tenth of the area of the United Kingdom, and that to make a fair comparison with our own progress we must multiply the table by ten :

Miles constructed.

Year.	Miles open.	Increase per ann. Miles.
1839.....	185	25 48 45 78
1845.....	335	
1853.....	720	
1860.....	1, 037	
1864.....	1, 350	

Hence the progress of a state the size of the United Kingdom would have been—

39 to 1845.....	250 miles a year.
45 to 1853.....	480 miles a year.
53 to 1860.....	450 miles a year.
60 to 1864.....	750 miles a year.

A rate of increase which is as great or greater than our own.

The results on commerce are shown in the following table :

Exports and imports.



Year.	Exports and im- ports.	Increase per cent.	Increase per cent. per annum.
35.....	£10,760,000	45.72	11.43
39.....	15,680,000		
45.....	26,920,000	71.4	11.9
53.....	47,760,000	77.41	9.67
60.....	72,120,000	51	7.3
64.....	97,280,000	35.88	9

I need scarcely point out the extraordinary character of this increase, which is enormous in the first ten years, and far beyond either England or France, and it is not inferior to us in the latter period. In the thirty years from 1835 to 1864 Belgium increased exports and imports nearly tenfold, while England increased hers only fivefold. If we had increased our commerce in the same ratio, the English exports and imports would now be a thousand millions pounds sterling. The proportion between exports and imports and means of communication is shown in the following table, which differs from those of England and France, in the rapid increase per mile :

Proportion of exports and imports to railways and navigation.

Year.	Canals (910 miles) and railways open.	Exports and imp'rts.	Exports and imports per mile open.
35.....	1,055	£15,680,000	£14,862
45.....	1,205	26,920,000	22,340
53.....	1,590	47,760,000	30,037
60.....	1,907	72,120,000	37,818
64.....	2,220	97,280,000	42,019

This enormous increase of Belgian commerce must be ascribed to her wise system of railway development, and it is not difficult to see how it arises. Before railways Belgium was shut out from the continent of Europe by the excessive rates of land carriage and her want of water communication. She had no colonies and but little shipping. Railways gave her direct and rapid access to Germany, Austria, and France, and made Ostend and Antwerp great continental ports. One of her chief manufactures is that of wool, of which she imports

21,000 tons, valued at £2,250,000, from Saxony, Prussia, Silesia, Poland, Bohemia, Hungary, Moravia, and the southern provinces of Russia; and returns a large portion in a manufactured state. She is rapidly becoming the principal workshop of the continent and every development of railways in Europe must increase her means of access and add to her trade.

Now look at Holland, which in 1835 was so much her superior. Holland, was possessed of immense advantages in the perfection of her canals, which are the finest and most numerous in the world, in the large tonnage of her shipping, in her access by the Rhine to the heart of Germany, and in the command of the German trade, which was brought to her ships at Amsterdam and Rotterdam. The Dutch relied on these advantages and neglected railways. The consequence was, that by 1850 they found themselves rapidly losing the German trade, which was being diverted to Ostend and Antwerp. The Dutch Rhenish railway was constructed to remedy this loss, and was partly opened in 1853, but not fully till 1856. It succeeded in regaining part of the former connection.

But now look at the result. In 1839 the Dutch exports and imports were £28,500,000, nearly double those of Belgium. In 1862 they were £59,000,000, when those of Belgium were £78,000,000. Thus while Holland had doubled her commerce, Belgium had increased fivefold, and had completely passed her in the race. Before leaving Belgium, I ought to mention the cheapness of fares on her railways, which have always been much below those on English lines. A further reduction has lately been made, and I see by a French paper that the result has been to increase the passenger receipts on the state lines for the month of April, from 76,936 frs. in 1865, to 198,345 frs. in 1866, of which 168,725 fr. was from third and fourth class passengers, a fact which is in favor of the plan of Mr. Galt.

But it must be remembered that Belgium is the most densely populated country in the world, having 432 inhabitants to the square mile, while the United Kingdom has only 253, and England and Wales 347.

IX.—RAILWAYS IN THE UNITED STATES.

In any paper on foreign railways it is impossible to omit the United States, a country where they have attained such gigantic proportions.

The increase of United States lines is as follows :

Miles constructed.

Year.	Total mileage.	Increase per annum—miles.
1830.....	41	25
1840.....	2, 197	45
1845.....	4, 522	50
1850.....	7, 475	1, 200
1855.....	17, 398	2, 500
1860.....	28, 771	1, 200
1864.....	33, 860	

The mileage here shown is something enormous; four times that of France, two and a half times that of England, and nearly as large as the total mileage of

ed Kingdom and Europe, which is about 42,000 miles. In so young a inland traffic gives these lines the greater part of their employment, and no masses of expensive manufactured goods, as in England or Belgium, the total value of foreign trade. Foreign commerce is still in its infancy, infancy of herculean proportions, as the following table shows :

Increase of exports and imports.

Year.	Total exports and imports.	Increase per cent.	Increase per cent. per annum.
.....	£31,000,000	47.60	3.40
.....	45,759,000		
.....	68,758,000	50.00	8.33
.....	111,797,000	62.60	12.52
.....	158,810,000	42.00	8.40

advance in the annual increase is very striking, being from three and per cent. per annum in the infancy of railways, to eight and one-twelfth when their extension was proceeding rapidly. Before the introduction of railways America possessed a very extensive system of canals, which amounts to 6,000 miles. At the present time both canals and railways are crowded with traffic.

The following table shows the relation between the growth of trade, and the growth of means of communication :

Proportion of exports and imports to railways and canals.

Year.	Canals (6,000 miles) and railways open.	Total exports and imports.	Exports and imports per mile.
.....	6,040	£31,000,000	£5,130
.....	10,310	45,759,000	4,437
.....	13,475	68,758,000	5,102
.....	23,398	111,797,000	4,778
.....	34,770	158,810,000	4,567

in the United States as well as in England, France, and Belgium, the exports and imports bear a distinct relation to the miles of communication open, and are in amount than in the European countries, as was only likely from the vast population. Vast as is the mileage of the American railways, it is by no means at its highest point.

It is not omit to mention the great Pacific railways, one of which is now being constructed from the State of Missouri for a distance of 2,400 miles across Nebraska, Utah, and Nevada, to San Francisco in California. It receives from the general government subsidies of £3,300, £6,600, or £9,900 per mile according to the difficulty of the ground, besides enormous grants of land on each side of the line. When this railway is completed, the journey from London to England will be made in thirty-three days, instead of the present six weeks, and it is anticipated that a large portion of our Chinese traffic will pass over this route. No one can study the United States without being struck by the great railway future which lies before them, when their immense

territories are more thickly peopled, and their mineral resources and manufactures have been developed. The distances to be traversed are so vast, and the traffic to be carried will be so enormous, that the railways of the United States will far exceed in extent, and in the trade which will pass over them, anything which has hitherto been known in the history of the world.

X.—RAILWAYS AND FREE TRADE.

In the preceding sections I have endeavored to describe the progress of railway extension in England, France, Belgium, and the United States, the four countries where it has received the greatest development, and I have pointed out the very great increase of commerce and national property which has been its result. But in the case of England I am bound to meet a very probable objection. I shall be asked, why do you attribute this increase of commerce to railways? Was it not caused by free trade? The general opinion undoubtedly is, that free trade is the principal cause of the immense increase, since 1842, of English commerce. We see this opinion expressed every day in newspapers and reviews, in speeches and parliamentary papers. I hold in my hand a very able memorandum, lately issued by the Board of Trade, respecting the progress of British commerce before and since the adoption of free trade, in which the same view is taken, and which the statistics of the exports and imports, since 1842, are given as mainly the result of free trade. It is true that there is a reservation acknowledging "that the increase of productive power and other causes have materially operated in effecting this vast development." But in the newspaper quotations and reviews this reservation was left out of sight, and the striking results recorded in the memorandum were entirely ascribed to free trade.

While acknowledging to the full the great benefits and the enlightened principles of free trade, I have no hesitation in saying that this popular view is a popular exaggeration, which it is the duty of statisticians to correct; and I think that my reasons will be considered satisfactory by this society.

In the first place, the development of English commerce began in 1834, before free trade, but simultaneously with railways; and between 1833 and 1842 the exports and imports increased from a stationary position at £85,500,000 to £112,000,000, or 31 per cent. In the next place, from 1842 till 1860, England was the only country which adopted free trade. If England had also been the only country that made such enormous progress, we might safely conclude that free trade was the chief cause of so great a fact. But this is not the case. England is only one of several countries which made an equal advance during the same period, and none of those countries except England had adopted free trade. The total increase of exports and imports from 1842 to 1860, in the first three countries described in this paper, and from 1844 to 1860 in the United States, was as follows:

Countries.	1842.	1860.	Increase per cent.
England	£ 112, 000, 000	£ 375, 000, 000	231
France	86, 280, 000	232, 200, 000	169
Belgium	19, 400, 000	72, 120, 000	271
United States	1844. 45, 757, 000	1860. 158, 810, 000	36

Thus, the English rate of increase is only third in order, and is exceeded both by Belgium and the United States. If the latter country is objected to on account of its rapid growth in population by immigration, still Belgium remains exceeding the English rate of increase by 36 per cent.

Look at the argument by induction. Here are four countries under the same conditions of civilization, and having access to the same mechanical powers and inventions, which far outstrip contemporary nations.

It is a probable conclusion that the same great cause was the foundation of their success. What was that common cause? It could not be free trade; for only one of the four countries had adopted a free trade policy. But there was a common cause which each and all of those four countries had pre-eminently developed—the power of steam—steam machinery, steam navigation, and steam railways.

I say, then, that steam was the main cause of this prodigious progress of England, as well as of the other three countries. But I will go a step further. Steam machinery had existed for many years before the great expansion of commerce. Steam navigation had also existed for many years before 1830, and before the great expansion of commerce, and steam navigation was unable to cope with the obstacle which, before 1840, was so insuperable, viz., the slowness and expense, and limited capacity of land carriage. I come, then, to this further conclusion, that the railways which removed the gigantic obstacle, and gave to land carriage such extraordinary rapidity and cheapness, and such unlimited capacity, must have been the main agent, the active and immediate cause, of this sudden commercial development. Each expansion of the railway system has been immediately followed, as if by its shadow, by a great expansion of exports and imports.

We ought to give railways their due credit and praise, as the chief of those mighty agents which, within the last thirty years, have changed the face of civilization.

UNITED STATES CONSULATE, PICTOU, NOVA SCOTIA,
November 17, 1866.

SIR: In accordance with my promise, I send you a few statistics, which may be useful in your forthcoming report to government.

Since the abrogation of the reciprocity treaty, the falling off in the amount of importations from the United States is very large, and the amount of exports of the great staple (coal) falls far short of what it has been in former years. The trade at this port has undergone a very great change. Up to the present year, we have had upon an average eighty American vessels here in a season; this year there have been but seven. This is owing to the heavy duty on coal, (\$1 25 per ton in gold,) and the low rates of freight. The amount of coal shipped to the United States from this port for the year ending September 30, is 117,676 tons, falling short of last year about 47,000 tons.

Cape Breton mines.

Lingan mines —Imports from United States.....	\$700 00
	Exports to United States (47,442 tons coal) 107,644 00
International mines —Imports from United States.....	1,000 00
	Exports to United States..... 30,000 00
Little Glace bay —Imports from United States.....	4,070 00
	Exports to United States, (coal)..... 78,000 00
Cow bay —For quarter ending 30th September:	
Imports from United States	298 00
Exports to United States.....	101,405 00

I give you, as my private opinion, that a reduction in the tariff of the United States would have a tendency to increase trade and bring about a better state of
Ex. Doc. 30—8.

feeling; the duty on coal is exorbitant, and operates adversely to the interest of our countrymen, as the largest portion of capital invested in coal mines, in this province, is American.

Previous to the abrogation of the reciprocity treaty, thousands of barrels of American flour were imported into this province; since that event, we cannot count by hundreds; Canada has now the monopoly. American apples were shipped to this port formerly in large quantity; this year not one barrel has been imported, the duty here being one dollar in gold.

If I can furnish you with any further facts, I shall be most happy.

I have the honor to remain your most obedient servant,

B. HAMMATT NORTON, *Consul.*

E. H. DERBY, Esq., *U. S. Commissioner.*

Principal imports into Nova Scotia from the United States of articles free of duty, in eleven years, 1854 to 1864, inclusive.

Apples and pears, barrels.....	42, 979 ;	value, \$120, 805 00
Beef, barrels.....	13, 879	" 157, 147 00
Butter, pounds.....	571, 849	" 105, 789 00
Cheese, pounds.....	294, 993	" 35, 916 00
Flour, barrels.....	2, 262, 662	" 14, 584, 182 00
Lard, pounds.....	1, 783, 800	" 178, 380 00
Pork and hams, barrels.....	57, 583	" 987, 778 00
Total imports from United States.....		" 35, 450, 108 00
Total exports from Nova Scotia to United States.....		" 21, 854, 518 00

Principal exports from Nova Scotia to the United States in the same period.

Coal.....	\$4, 503, 707 00
Codfish.....	1, 030, 252 00
Herring.....	497, 185 00
Mackerel.....	1, 225, 014 00
Potatoes.....	1, 373, 372 00

STATISTICS OF THE PROVINCES, CONDENSED FROM THE
YEAR BOOK AND OTHER SOURCES.
CENSUS OF BRITISH NORTH AMERICA.

I.—ENUMERATION.

The last census of Canada, Nova Scotia, New Brunswick and Prince Edward's Island, was taken in 1861; that of Newfoundland in 1858. The population of these colonies was then found to be—

	Males.	Females.	Total.
Upper Canada	725, 575	670, 516	1, 396, 091
Lower Canada	507, 864	543, 702	1, 111, 566
New Brunswick.....	129, 948	123, 099	253, 047
Nova Scotia.....	165, 584	165, 873	331, 457
Prince Edward's Island.....	40, 880	39, 977	80, 857
Newfoundland	65, 118	58, 170	123, 288
Totals.....	1, 694, 969	1, 600, 737	3, 295, 706

ice the previous census, the population had been increasing at the annua
 4—

Upper Canada, 4.34 per cent.; in Lower Canada, 2.50 per cent.; in New
 Brunswick, 2.60 per cent.; in Nova Scotia, 1.82 per cent.; in Prince Edward's
 I., 2.07 per cent.; in Newfoundland, 1.50 per cent.

Supposing the increase to have since continued at the same rate in all the
 provinces excepting Newfoundland, where exceptional causes have interfered
 with the progress of population, the number of residents in British America in
 1867, will be about four million, distributed—

Upper Canada.....	1,802,056
Lower Canada.....	1,288,880
New Brunswick.....	205,084
Nova Scotia.....	368,781
Prince Edward's Island.....	91,443
Newfoundland.....	130,000
Total.....	3,976,224

are the same increase to continue until 1900—just one more generation,
 population would be 11,977,000.

the natives of the provinces largely outnumber those born abroad, the pro-
 portion of different origins being—

of British America.....	79 per cent.
of Ireland.....	9 “
of England and Wales.....	4½ “
of Scotland.....	4½ “
of foreign countries.....	3 “
	100 “

the numbers are shown in the following table :

	Natives of the pro- vinces.	Natives of Eng- land and Wales.	Natives of Ireland.	Natives of Scotland.	Natives of foreign countries.	Total.
Canada...	911,963	114,914	191,431	98,892	78,891	1,396,091
Canada...	1,017,925	13,821	50,337	13,204	16,279	1,111,566
Brunswick...	208,166	4,909	30,179	5,109	3,594	252,047
Scotia.....	299,335	3,188	9,313	16,395	2,626	330,857
Ed. Island.	66,800	2,619	5,171	5,903	364	80,857
ndland...	111,674	3,916	7,733	624	141	124,288
I.....	2,616,063	143,367	294,164	140,217	101,895	3,295,706

is not easy to ascertain with certainty the descent of the native population.
 Some of French origin were enumerated separately in the census of Canada,
 Nova Scotia, and Mr. Rameau, in his work “*La France aux Colonies*,”
 has made a careful estimate for the other provinces. Putting together the figures
 deduced from both these sources, we have as of French origin

116 RECIPROCAL RELATIONS BETWEEN THE UNITED STATES

In Upper Canada.....	33,1
Lower Canada.....	847,1
New Brunswick.....	25,1
Nova Scotia.....	20,1
Prince Edward's Island	15,1
Newfoundland	20,1
Total	961,1

At the date of the last census, there were probably, in the various provinces a million of people of Irish descent, and the remainder—say a million and a quarter—were about half of Scottish, half of English parentage.

II.—CREED.

The census table gives at some length statements of the religious belief of the people of the provinces. Condensing them into ten heads, we have the following as the proportion in which various creeds are held :

Church of Rome.....	44½ per cent
Church of England.....	15½ "
Presbyterians.....	15½ "
Wesleyans and Methodists.....	14 "
Baptists	5½ "
Lutherans.	4½ "
Congregationalists.....	2½ "
Miscellaneous creeds.....	2½ "
Of no religion.....	1½ "
Creed not stated	1½ "
Total.....	100 "

The respective numbers are as follows : (See Table on next page.)

[illegible]

III.—OCCUPATION.

	Farmers.	Mechanics & handicrafts-men.	Laborers, includ'g lumbermen.	Trade and commerce.	Mariners and fishermen.	Miners.	Professional men.	Miscellaneous.	Total.
Upper Canada	132,562	53,210	119,516	13,543	1,157	240	4,393	13,622	338,243
Lower Canada	106,140	34,965	70,081	12,996	8,110	138	3,247	12,718	248,396
New Brunswick	35,001	11,141	15,267	3,151	2,765	164	1,304	1,506	70,339
Nova Scotia	47,249	15,916	5,045	2,929	12,977	665	1,175	2,697	88,653
Prince Edward's Island	20,000	1,000	1,000	500	2,300	.....	100	.....	24,900
Newfoundland	1,697	1,973	334	694	62,342	.....	148	.....	67,188
Total.....	342,649	118,245	211,243	33,813	89,651	1,207	10,367	30,543	837,718

IV.—PRODUCTS OF INDUSTRY.

The year 1860 was not at all remarkable for the excellence of its harvest or the abundance of products of any kind. The census of 1861, therefore, does not present an exaggerated view of the reward which Providence usually gives to the industry of our people. The following table shows the agricultural product of 1860:

	Wheat, bush.	Barley, bush.	Oats, bush.	Buckwheat, bush.	Indian corn, bush.	Potatoes, bush.
Upper Canada	24, 620, 425	2, 821, 962	21, 220, 874	1, 248, 637	2, 256, 290	15, 325, 920
Lower Canada	2, 654, 354	2, 281, 674	17, 551, 296	1, 250, 025	334, 861	12, 770, 471
New Brunswick	279, 775	94, 679	2, 656, 883	904, 321	17, 420	4, 041, 339
Nova Scotia	312, 081	269, 578	1, 978, 137	195, 340	15, 529	3, 824, 864
Prince Edward's Island	346, 125	223, 195	2, 218, 578	50, 127	.....	2, 972, 335
Newfoundland	1, 000	933	9, 038	.....	.....	571, 430
Total	28, 213, 760	5, 692, 021	45, 634, 806	3, 648, 450	2, 624, 100	39, 506, 359

	Peas, bush.	Turnips, bush.	Hay, tons.	Butter, lbs.	Wool, lbs.	Pork, lbs.
Upper Canada	9, 601, 396	18, 206, 959	861, 844	26, 828, 264	3, 659, 766	67, 348, 800
Lower Canada	2, 648, 777	892, 434	659, 977	15, 906, 949	1, 967, 388	39, 319, 600
New Brunswick	30, 677	634, 364	324, 160	4, 591, 477	633, 757	9, 692, 169
Nova Scotia	21, 333	554, 318	334, 287	4, 532, 711	700, 000	5, 000, 000
Prince Edward's Island .....	.....	348, 784	31, 088	711, 485	250, 000	7, 000, 000
Newfoundland .....	.....	12, 832	16, 297	134, 968	20, 000	1, 700, 000
Total	12, 302, 183	20, 649, 691	2, 257, 653	52, 705, 854	7, 230, 911	130, 066, 569

he quantity of lumber cut in 1860 is not given with sufficient exactness in census tables. The value of the fish caught in that year was about as fol-

er Canada.....	\$120, 000
er Canada.....	700, 000
Brunswick	518, 531
a Scotia.....	2, 562, 000
ce Edward's Island	272, 000
foundland	5, 002, 531
Total.....	9, 173, 063

V.—REALIZED WEALTH.

he census gives us some details on which to base a calculation of the value property owned by the people of the provinces. First, let us give the num- of horses and cattle. These were—

	Number of horses.	Number of milch cows.	Number of neat cattle	Number of sheep.	Number of swine.
er Canada.....	377, 681	451, 640	563, 688	1, 170, 225	776, 001
er Canada	248, 515	328, 370	488, 602	682, 829	286, 400
Brunswick.....	35, 347	69, 437	92, 025	214, 092	73, 995
Scotia.....	41, 927	110, 504	151, 793	332, 653	53, 217
e Edward's Island..	18, 765	40, 000	60, 012	107, 245	71, 535
foundland.....	3, 509	6, 924	12, 962	10, 737	17, 551
Totals.....	725, 744	1, 006, 875	1, 369, 082	2, 517, 781	1, 278, 699

aking an estimate for certain details not given in the returns from all the inces, (marked with an asterisk,) we obtain from the tables the following ment of the lands held, and their value:

	Acres of land held.		Cash value of farms.
	Improved.	Unimproved.	
er Canada	6, 051, 619	7, 303, 288	\$295, 162, 315
er Canada	4, 804, 235	5, 571, 183	171, 513, 069
Brunswick.....	885, 108	2, 902, 416	31, 169, 946
Scotia	1, 028, 032	1, 000, 000	40, 000, 000
e Edward's Island.....	250, 000	260, 000	8, 000, 000
foundland	42, 616	.....	500, 000
Total.....	13, 061, 610	17, 036, 887	546, 345, 330

calculations respecting realized assets must necessarily be somewhat wild in country exempt from government taxation upon its property. The muni- l assessments in the various counties of even a single province are not equal- ; the statements given to the census commissioners are seldom accurate. ving out of view the value of the canals, harbors, light houses, and public dings constructed by the governments at a cost of from \$35,000,000 to ,000,000; also of the railways of the provinces, \$150,000,000; also of the

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gold and bank notes in circulation; also such doubtful matters as the speculative value of mining locations, &c., we may, however, put down as an approximate estimate of the realized property of British America:

Value of farms	\$546, 000, 000
Value of agricultural implements	25, 000, 000
Value of real estate in cities, towns, and villages	200, 000, 000
Value of horses, cattle, &c.	120, 000, 000
Value of paid up stock in banks	40, 000, 000
Value of miscellaneous stocks	50, 000, 000
Value of goods on hand in stores above debts due	50, 000, 000
Value of other personal property	75, 000, 000
Value of shipping	30, 000, 000
Total	1, 136, 000, 000

PROGRESS OF POPULATION.

The census takings of the various provinces have been numerous, but have not been conducted according to any one general plan, or indeed in the same years. To reduce the figures into a table which would show the general progress of the population of British North America, requires that one should take some liberties with them. The following may, however, be taken to be tolerably accurate :

	1700.	1725.	1750.	1775.	1800.	1825.
Upper Canada				8, 000	50, 000	152, 000
Lower Canada	14, 000	29, 000	54, 500	96, 000	225, 000	450, 000
New Brunswick					10, 000	75, 000
Nova Scotia	1, 300	5, 000	14, 000	20, 000	57, 000	150, 000
Prince Edward's Island		300	2, 500	10, 000	20, 000	98, 000
Newfoundland	500	5, 000	10, 000	16, 000	10, 000	45, 700
Total	15, 800	39, 300	81, 000	150, 000	382, 000	907, 300

POPULATION OF BRITISH AMERICAN CITIES.

The population of the cities of British America, at the time of the last census, was as follows :

Montreal	90, 323	Ottawa	14, 000
Quebec	51, 109	Kingston	13, 743
Toronto	44, 821	London	11, 556
St. John, N. B.	27, 317	Charlottetown	6, 706
Halifax	25, 026	Three Rivers	6, 058
St. John's, Newfoundland	24, 851	Fredericton	5, 662
Hamilton	19, 096	St. Hyacinthe	3, 636

These numbers have considerably changed since the census. Montreal and suburbs are now estimated to contain nearly 130,000 souls; and a great increase has undoubtedly taken place in the population of all the larger cities.

AREA, BOUNDARIES, &c.

Canada, New Brunswick, Nova Scotia, Prince Edward's Island, and Newfoundland occupy an immense extent of territory—St. John's, Newfoundland, the most easterly capital, being 26° 80' east and 9° north of Toronto, the most westerly, the distance between the two being considerably over 1,000 miles. These countries, however, all belong to one geographical district, which may be called the Laurentian, each claiming a portion of the shores of the gulf of St. Lawrence.

Canada lies principally on the north side of the St. Lawrence, and the north and east sides of Lakes Ontario, Erie, Huron, and Superior; in part, also, on the south side of the St. Lawrence, stretching from near Montreal to the bay of Chaleurs. Its northerly and westerly boundaries have not been fixed. It is bounded on the south by the territories of the United States and New Brunswick. The area of Canada is given in official returns as 331,280 square miles, being 121,260 for Upper, and 210,020 for Lower Canada.*

New Brunswick is bounded by Canada, the gulf of St. Lawrence, Nova Scotia, the bay of Fundy, and the United States—being divided from the latter by the St. Croix river. Its area is 27,105 square miles.

Nova Scotia is a peninsula connected with New Brunswick by a low, sandy isthmus. It is about 300 miles long, and about 100 miles broad at its widest. The island of Cape Breton is now a part of Nova Scotia, the Gut of Canso, which divides them, being less than a mile in breadth. The coast of Nova Scotia is everywhere indented with arms of the sea, and no part of it is more than twenty miles from salt water. Area, including Cape Breton, 18,660 square miles.

Prince Edward's Island is about 140 miles long and 34 in its greatest breadth. Its coasts are like those of Nova Scotia, much indented by bays, and no part is more than 10 miles from the sea. Unlike Nova Scotia, which has a rock-bound shore, the coast of Prince Edward's Island is of sand or mud. Area, 2,100 square miles.

The greatest length of Newfoundland is, from north to south, 350 miles; average breadth, 130. Coast bold and rocky. Area, 40,200 square miles.

The area of the five provinces is as follows:

Upper Canada.....	121,260 square miles.
Lower Canada.....	210,020 square miles.
New Brunswick.....	27,105 square miles.
Nova Scotia.....	18,660 square miles.
Prince Edward's Island.....	2,100 square miles.
Newfoundland.....	40,200 square miles.
Total.....	419,345 square miles.

If to this be added the area of Vancouver's island, 20,000 square miles; British Columbia, 200,000 square miles; and Labrador, the Hudson's Bay and Northwest territories, with, say 2,750,000 square miles, we have a total for British North America of no less than 3,389,345 square miles.

* By the proclamation of General Sir Alured Clarke, dated 18th November, 1791, the then Province of Quebec, under the provisions of the imperial act, 14 George III, was divided into the provinces of Upper and Lower Canada. The proclamation accordingly defines the line of boundary that divides them. By the treaty of peace of 1763, France ceded to Great Britain all the territory or country known and denominated as "la Nouvelle France," designating therein the boundaries of the countries so ceded, which subsequently have been affected in a greater or less degree by the treaty of Washington of 1842, defining the boundary between Canada and the United States, and the imperial act, 14th and 15th Vict., chapter 63, defining the boundary between Canada and New Brunswick.

The climate and production of the colonies are more dissimilar than inferred from the latitude of their settled districts. In the extreme Upper Canada, Indian corn can be raised with profit; peaches, g melons grow luxuriantly in the open air; but the district favored the and although the greater part of Canada is a suitable region for growing cereals, while wheat can be raised with care in every settled part of ony, we find by the time we travel further eastward than Quebec people depend less and less upon the soil, until in Newfoundland they exclusively concerned about the waters, and buy from other countries all their cereal and animal food. The winter's cold varies even more summer's heat. Snow rarely lies more than a month in the west Canada. In some parts of Canada East and in Labrador it lies for months every season.

The diversity of the mineral resources of the several colonies is not that of their agricultural productions. The western peninsula of Upper as yet alone yields petroleum; it has many valuable quarries, but few ores. These, however, the shores of the upper lakes, central and eastern Canada, Nova Scotia, and probably Newfoundland and New Brunswick, supply. Especially valuable are the copper mines of Canada and Labrador, and the gold and coal of Nova Scotia. Prince Edward's Island is off in this particular. It had to import from Nova Scotia not only for its sole stone building, (the house of parliament,) but even the marble

This diversity is, however, a happy thing for all the colonies. The general severity of their climate enforces activity among their people, and the want of their resources prevents their inhabitants from confining themselves to one branch of industry.

BALANCE SHEETS OF THE SEVERAL PROVINCES, OR, THE ASSETS AND LIABILITIES OF BRITISH NORTH AMERICA.

I.—Condensed balance sheet of the province of Canada, on June 30,

DR.	
Direct debt funded, viz:	
Imperial guaranteed loan, 4 per cent. interest.	\$681, 333 34
Debentures and inscriptions, 5 per cent. interest.....	33, 743, 540 88
Debentures and inscriptions, 6 per cent. interest.....	26, 076, 510 25
Debentures and inscriptions, various rates..	385, 400 00
	<hr/> \$60, 889 85
Indirect debt, funded.....	85
Indebtedness to trust funds, viz:	
School funds.....	2, 096, 663 37
Indian funds	1, 650, 940 39
Miscellaneous	655, 073 37
	<hr/> 4, 401 15
Bank accounts.	4, 134 79
Miscellaneous accounts	79
Consolidated fund.....	7, 124 15
	<hr/>
Total	<hr/> 78, 191 15 <hr/>

CR.		
ds		\$1, 520, 148 91
orks, viz :		
ecanals.....	\$7, 413, 425 48	
ial.....	7, 386, 545 53	
nal and Richelieu river improve-	433, 807 83	
Bay canal.....	308, 328 32	
ter improvements.....	1, 157, 235 08	
ks.....	1, 208, 368 37	
it of the Trent.....	558, 506 20	
l light-houses.....	2, 564, 686 70	
bridges	1, 723, 697 71	
Ottawa, (Parliam't house, &c.,)	2, 071, 095 17	
orporated companies.....	142, 154 52	
is works and buildings.....	1, 759, 755 98	
		26, 727, 606 89
ding and harbor funds		857, 866 64
accounts, viz :		
k railway.....	23, 902, 403 41	
ern railway	3, 727, 082 85	
ilway.....	3, 504, 526 90	
		31, 134, 013 16
t funds.....		890, 849 34
an fund accounts.....		13, 255, 956 10
per Canada—special account..	1, 200, 000 01	
nts, including crown lands ac-	700, 569 91	
		1, 900, 569 92
is accounts.....		1, 222, 365 31
l fund investment account		689, 635 69
		78, 199, 011 96

e sheet of the province of New Brunswick, on October 31, 1865.

of New Brunswick has been incurred almost wholly for the con-
railroads. It is of two chief kinds—debentures, held almost exclu-
gland, and all bearing 6 per cent. interest ; and debts to the Savings
tors at home, who receive 5 per cent. The financial year ends on
and the following is a statement of the assets and liabilities at that
, since which time very little change has taken place :

DR.		
l: viz., debentures, 6 per cent. interest.....	\$5, 052, 880	
g: viz., to savings banks	768, 565	
ial funds.....	101, 810	
		5, 923, 255

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CR.

Public work, viz.,* European and North American railway	\$4, 491, 200
Stock in the New Brunswick and Canada railway	240, 000
Invested on account of savings bank deposits	86, 875
Sundry bonds and interest	61, 624
Cash and bankers' balances	156, 979
Balance not represented by any assets	886, 497
	<hr/>
	5, 923, 255
	<hr/>

III.—*Condensed balance sheet of the province of Nova Scotia, on September 30, 1865.*

The debt of Nova Scotia has been incurred almost exclusively on railway account. On September 30, 1865, the account stood as under.

DR.

Debt, funded, viz., railway bonds, 6 per cent. interest.	\$4, 495, 000
Debt, floating, viz., borrowed from Provincial Savings bank, 4 per cent.	\$640, 000
Treasury notes, no interest	492, 458
	<hr/>
	1, 132, 458
Miscellaneous, undrawn moneys, &c	347, 625
	<hr/>
	5, 975, 083
	<hr/>

CR.

Public work: viz., provincial railway	\$4, 319, 507
In hands of public accountants	295, 207
Cash in hand or in bank	503, 691
Balance	856, 678
	<hr/>
	5, 975, 083
	<hr/>

Against this balance the province owns a number of light-houses and several public buildings. No means exist of determining from the accounts the cost or value of such assets.

IV.—*Condensed balance sheet of the province of Prince Edward's Island, December 31, 1865.*

Prince Edward's Island shows a somewhat singular balance sheet. On the one hand, more than half the liabilities are "unpaid warrants," and the funded debt is almost nominal. On the other hand, the greater portion of the available assets are cash and bonds given by merchants for the payment of duties on imports. The figures at the end of the last financial year, December 31, 1865, were:

* The light-houses do not appear in the provincial balance sheets, they being kept up out of a special fund by tonnage duties. The province owns no steamers, piers, or wharves. All the ordinary roads and bridges belong to the government, but have been built from the annual revenue, and their value does not appear on the balance sheet. If it were so included, it is probable that the balance would be on the other side of the account.

Dr.	
<i>Debt</i> —funded, viz :	
Debentures at 5 per cent	\$46, 560
Debentures at 6 per cent	57, 600
	<hr/> \$104, 160
<i>Debt</i> —floating, viz :	
Treasury notes	36, 800
Unpaid warrants	179, 640
	<hr/> 216, 440
<i>Debt</i> —Deposits in savings bank, (5 per cent. interest)	20, 600
	<hr/>
Total	341, 200
	<hr/> <hr/>

Cr.	
Bonds in treasury, (duties)	\$48, 824
Bonds in hands of attorney general, (duties)	2, 234
	<hr/> \$51, 059
Cash in treasury or in banks	51, 293
Balance against the colony	238, 848
	<hr/>
Total	341, 200
	<hr/> <hr/>

The regulations respecting treasury notes are that if presented they must be redeemed in gold, and if there be no gold in the treasury they can be funded at 6 per cent. In practice they never are presented.

Against the above “balance” the province owns eight light-houses, worth about \$30,000, the Victoria barracks, worth, say \$25,000, and a market-house, worth \$5,000.

V.—*Debt of Newfoundland.*

The debt of Newfoundland on December 31, 1865, was : Funded, \$911,564 ; floating, \$250,676 ; total, \$1,162,243.

The province owns several light-houses, and has expended considerable sums on improvements at St. John’s. We have no detailed returns for this year, but the greater part of the floating debt consists of deposits in the government Savings Bank.

RECAPITULATION.

The funded debts of the provinces and the floating debts, exclusive of banks and miscellaneous accounts, were, therefore, in 1865 :

Funded.	Canada.	New Bruns- wick.	Nova Scotia.	Prince Ed- ward’s Island.	Newfound- land.	Total.
At 4 per cent	\$681, 333	.....	.....	.....	.....	\$681, 333
At 5 per cent	33, 743, 541	.....	.....	\$46, 560	\$911, 564	34, 701, 665
At 6 per cent	26, 934, 377	\$5, 052, 880	\$4, 495, 000	57, 600	.....	36, 539, 857
Miscellaneous rates	385, 400	.....	.....	.....	.....	385, 400
Savings bank, 5 per cent .....	.....	768, 565	.....	20, 600	.....	789, 165
Savings bank, 4 per cent .....	.....	.....	640, 000	.....	250, 000	890, 000
Treasury notes, no interest	492, 458	36, 800	529, 258
Total	61, 744, 651	5, 821, 445	5, 627, 458	161, 560	1, 161, 564	74, 516, 678

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PUBLIC REVENUE AND EXPENDITURE.

CANADA.

Receipts, 1864-'65.

Customs revenue.....	\$5, 660, 741
Excise	1, 302, 975
Post office and ocean postage.....	540, 800
Public works and provisional steamers.....	429, 524
Territorial	830, 592
Minor revenues of the consolidated fund	405, 775
Debentures and stock.....	1, 074, 609
Municipal loan fund.....	270, 383
Municipalities fund.....	148, 335
Education and school funds.....	141, 757
Indian fund.....	180, 606
Miscellaneous trusts and other accounts.....	522, 462
	<hr/>
	11, 509, 868
Deduct debentures and stock.....	1, 074, 609
	<hr/>
Ordinary revenue	10, 435, 259

Payments, 1864-'65.

Collection of revenue :

Customs	\$397, 086	
Excise	174, 446	
Post office	483, 270	
Public works	256, 792	
Territorial	134, 735	
Miscellaneous	79, 031	
	<hr/>	\$1, 515, 360
Interest on public debt and charges		3, 758, 773
Redemption of public debt.....		1, 355, 620
Civil government, including pensions		501, 137
Administration of justice and prison inspection		998, 518
Legislation		473, 158
Education, grants to literary societies, geological survey.....		603, 642
Hospitals and charities.....		310, 088
Militia and enrolled force		756, 933
Grants to agricultural societies.....		108, 419
Public works and buildings, &c.....		1, 523, 031
Redemption of seignorial rights.....		199, 190
Advances, &c., postal subsidies account.....		125, 233
Municipalities fund.....		139, 229
Indian fund and annuities		145, 045
Minor payments		366, 940
		<hr/>
		12, 890, 311
Deduct redemption of public debt.....		1, 355, 620
		<hr/>
Ordinary expenditure		11, 534, 691

A similar statement prepared by Mr. Galt, when minister of finance, supplemented by the miscellaneous statistics of the auditor, furnishes us with the figures from 1861 to the end of 1865.

Year.	Ordinary revenue.	Ordinary expenditure.
.....	\$9,899,275	\$12,003,962
.....	8,408,444	11,116,092
.....	9,760,316	10,742,807
.....	10,918,337	10,587,143
.....	10,470,608	11,656,363
.....	49,456,980	56,106,371

that an increase in the public debt must have taken place in the nearly seven millions. It is argued, however, that the increase of the country is more rapid than that of the public burdens, so that the per head is somewhat diminishing. Almost the whole of this is represented by increased floating debt and diminished cash balances. The Government, however, took means at the last session to meet both the floating debentures falling due, by laying their hands upon the circulation, and the amount will be represented by provincial notes.

RECAPITULATION.

together some of the preceding figures, to illustrate the relative absolute position of the various provinces:

	Ordinary revenue of 1865.	Ordinary expenditure of 1865.	Interest on public debt, 1865.	Rec'd from debent's or notes sold, 1865.	Paid for debentures redeemed, 1865.
.....	\$10,435,259	\$11,534,691	\$3,768,773	\$1,074,609	\$1,355,620
.....	1,070,604	1,168,074	360,596	17,200	25,930
.....	1,617,306	1,470,306	284,338	659,544	
Is'd	217,732	214,396	17,816	2,251	
.....	482,460	579,453	49,744	115,442	28,038
.....	13,723,361	14,966,920	4,481,327	1,860,046	1,409,561

revenue, expenditure, and interest on debt per head were, therefore, nearly

	Revenue per head.	Expenditure per head.	Interest on public debt per head.
.....	\$3 45	\$3 80	\$1 26
.....	3 70	4 00	1 25
.....	4 20	4 10	80
Island	2 45	2 40	20
.....	3 70	4 40	36

NEW BRUNSWICK.

The accounts of New Brunswick do not show the total revenue or the expenditure, because several services are under the control of boards, who show their net profits or deficiency. This difficulty meets the inquirer

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not only in New Brunswick, but in several of the other provinces. The latest statements published are those for the year ending October 31, 1865, from which we prepare the following statement :

Receipts, 1865.

Customs revenue :	
Import duties	\$589, 578
Railway duties	124, 459
Export duties	61, 904
	<hr/>
	\$775, 941
Light-house duties, seamen's fund, buoy and beacon fund.....	33, 494
Casual and minor revenues.....	55, 900
Net earnings of railway	38, 501
Balance of savings bank deposits.....	22, 575
Debentures sold, (railway).....	17, 200
	<hr/>
	943, 600
	<hr/>

Payments, 1865.

Collection of revenue.....	\$42, 196
Interest and charges on public debt, viz:	
Ordinary	\$63, 518
Railway.....	267, 978
	<hr/>
	360, 596
Redemption of debt (savings bank debentures).....	25, 903
Civil lists and pensions.....	46, 219
Administration of justice.....	21, 430
Legislation	48, 874
Education, (including \$264 geological survey).....	114, 424
Lunatic asylum	18, 000
Militia and military.....	30, 816
Agriculture	10, 280
Public works, including railway surveying.....	183, 333
Post office	22, 500
Miscellaneous	101, 900
	<hr/>
Total.....	1, 026, 532
	<hr/>

It is impossible to recast this account with strict accuracy. We find, however, that the gross railway receipts should be given at \$133,408, and expenditures at \$94,907; the gross receipts of the post office, \$71,779, and the payments, \$72,533, in addition to the above \$22,500; while, perhaps, the total receipts at, and withdrawals from, the savings banks should be stated. Omitting, however, this last item, as also a few sundries, (such as the expenditure and revenue of the marine hospital, &c.,) and making the requisite addition for the others, we find as the—

Total revenue.....	\$1, 110, 379
Deduct debentures	\$17, 200
Deduct balance of savings bank deposits.....	22, 575
	<hr/>
	33, 775
	<hr/>
Leaving an ordinary revenue.....	1, 076, 604
	<hr/>
Total expenditure.....	\$1, 193, 997
Deduct debentures redeemed.....	26, 900
	<hr/>
	1, 167, 097
	<hr/>

evenue of the province for 1866 is considerable larger, and is believed excess of the expenditure, even after paying for the heavy charges con- on the threatened Fenian raid from Eastport.

NEWFOUNDLAND.

evenue and expenditure of Newfoundland for the year ending December i, were:

Receipts, 1865.

l.....	\$425, 800
.....	1, 709
ce	4, 965
receipts	4, 432
ies.....	23, 158
of Savings Bank.....	8, 000
neous	14, 396
ad premiums thereon.....	115, 442
<hr/>	
Total.....	597, 902
loan.....	115, 442
<hr/>	
y revenue	482, 460

Payments, 1865.

tion of revenue :		
l.....	\$34, 925	
.....	120	
cks.....	7, 300	
<hr/>		42, 345
st on debt, viz :		
y debt.....	47, 695	
re debt.....	2, 049	
<hr/>		49, 744
tion of debt.....		28, 038
iture, as per financial secretary's statement.....		587, 364
<hr/>		
Total.....		707, 491
redemption of debt.....	28, 038	
ts for permanent objects*.....	100, 000	
<hr/>		128, 038
<hr/>		
y expenditure.....		579, 453
<hr/>		<hr/>

evenue and expenditure since 1854 have been as follows :

	Revenue.	Expenditure.
.....	\$405, 030	\$387, 463
.....	632, 242	604, 631
.....	594, 158	529, 228
.....	746, 621	983, 743
.....	705, 641	869, 825
.....	623, 975	572, 995
.....	668, 040	633, 766

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	Revenue.	Expendit
1861.....	450, 217	633,
1862.....	584, 648	690,
1863.....	565, 170	576,
1864.....	625, 793	525,
1865.....	597, 902	707,

The revenue has thus been nearly stationary for a number of years. It or falls according to the success of the fisheries—as yet the single source of wealth of the province.

NOVA SCOTIA.

If it is difficult to make out a detailed statement of the revenue and expenditure of New Brunswick, the task is still more so in the case of Nova Scotia. The report of the committee on public accounts differs from the accounts of the receiver general as to details, although the committee state the accounts of the latter to be correct. The railway construction account, the receipts from treasury notes, and some other revenues, have to be added from independent sources. The figures for the year ending September 30, 1865, are, however, very nearly as follows :

<i>Receipts, 1865.</i>		
Customs and excise duties.....		\$1, 047,
Post office revenue*.....		60,
Public works, viz :		
Board of works.....	\$1, 386	
Light duty.....	38, 945	
Signal stations.....	902	
For the maintenance of refugees, Sable island.....	2, 000	
Lunatic asylum.....	21, 495	
Road service.....	3, 349	
Railway revenue.....	183, 954	
		252, 0
Territorial, viz :		
Crown lands.....	44, 365	
Gold fields.....	18, 059	
Royalty on coal.....	57, 524	
Licenses to search and work.....	12, 060	
		131, 9
Railway bonds.....		624, 1
Treasury notes.....		35, 1
Miscellaneous.....		24, 1
		2, 176, 1
Deduct debentures and treasury notes.....		659, 1
Ordinary revenue.....		1, 517, 1

<i>Payments, 1865.</i>		
Revenue expenses :		
Customs.....	\$63, 750	
Drawbacks.....	18, 726	
Mines.....	13, 000	
Crown lands.....	17, 213	
Post office.....	93, 170	
		\$205, 6

* The report of the committee on public accounts gives \$30,700, to which we add \$30,000 for certain sums which do not find their way into the treasury.

st on public debt, viz :		
.....	\$23, 609	
.....	260, 729	
		\$284, 338
.....		63, 113
y expenses, prosecutions and inquests.....		5, 761
ive expenses.....		44, 326
on.....		99, 663
s and charities.....		19, 030
.....		81, 000
ure.....		16, 000
: works, viz :		
: works	134, 282	
nd bridges	274, 923	
ats, packets, and ferries	14, 651	
on securities	19, 040	
construction	248, 616	
		691, 512
' expenses		169, 000
nd miscellaneous		41, 315
		1, 720, 922
railway construction		248, 616
y expenditure.....		1, 472, 306

PRINCE EDWARD’S ISLAND.

evenue and expenditure of Prince Edward’s Island, for the year 1865,
under :

Receipts, 1865.

3 *	\$163, 648
3.....	2, 005
fice	6, 208
works, (light and anchorage duties).....	3, 525
ial.....	34, 209
on bonds.....	3, 812
on, (land assessment).....	3, 525
aneous	800
	217, 732
y revenue	2, 251
bentures, &c., sold	20, 579.
s in Savings Bank.....	
	240, 562

revenue from customs includes receipts on account of the 6*d* per gallon excise on
stilled in the colony. The amount is not large, and is indistinguishable in the pub-
nts.

Payments, 1865.

Interest on public debt :

Funded	\$5, 644	
Floating.....	12, 232	
		<hr/> \$17, 876
Civil government		21, 658
Administration of justice.....		14, 268
Legislature		12, 182
Education		46, 188
Hospitals and charities		4, 842
Militia		3, 426
Agricultural society		9, 039
Roads, bridges, and wharves.....		37, 163
Other public works		9, 813
Collection of revenue.....		27, 010
Miscellaneous		10, 926
		<hr/>
Ordinary expenditure.....		214, 396
Add cost of new barracks.....		26, 394
Withdrawals from Savings Bank.....		7, 649
		<hr/>
Total expenditure		<hr/> 248, 429 <hr/>

There was thus a balance in favor of the colony, the ordinary revenue and expenditure considered ; but the cost of new barracks, which were erected because some troops were considered necessary to preserve the peace of the island, endangered by the tenant league, turned this into a deficiency. The above figures differ slightly from the public accounts of the colony, because they call debentures sold “ expenditure.”

PUBLIC WORKS.

CANADA.

The public works of Canada consist principally of canals, built for the purpose of overcoming difficulties in the navigation of rivers, also of harbors and piers, light-houses, beacons and buoys, slides and booms, roads and bridges parliamentary buildings, custom-houses and post offices. The cost of these, being the chief cause of the public debt, will be found in the balance sheet of the province, elsewhere printed. The province is not the owner of any railway.

Canals.—The St. Lawrence navigation is 2,385 miles long, and eight canals, of which seven are Canadian and one American, have been built to make it practicable for all its length. The following table shows the various distances, and the size of the canal locks :

Canal.	Natural chan- nel—miles.	Canal—miles.	Numbers and dimensions of locks in feet.	Feet of water on sills.	Rise of lock- age in feet.
Straits of Belle Isle to head of tide-water, (Three Rivers).....	900	0			
To the Lachine canal, (Montreal)	86	0			
Lachine canal		8½	{ 200 × 45 }	9	44½
To Beauharnois canal	15½				
Beauharnois canal		11½	{ 200 × 45 }	9	62½
To Cornwall canal	32½				
Cornwall canal		11½	{ 200 × 55 }	9	40
To Farran's Point canal	5				
Farran's Point canal		2	{ 200 × 45 }	9	4
To Rapide Plat canal	10½				
Rapide Plat canal		4	{ 200 × 45 }	9	11½
To Iroquois canal	4½				
Iroquois and Galop's canal		7½	{ 200 × 45 }	9	17½
					206½
To the Welland canal, (head of Lake Ontario). ..	236½				
Welland canal, (Lake Ontario to Erie)		28	{ 150 × 26½ }	10½	330
					536½
To Sault St. Marie canal, (head of Lake Huron). ..	625				
Sault St. Marie canal, (United States)		1	{ 350 × 70† }	12	12
To Fond du Lac, (Lake Superior)	397				
Total	2,312½	72½	57	.....	548½

The Burlington bay canal, (Hamilton,) one-half mile, no locks, 138 feet broad, may be said to be connected with the St. Lawrence navigation.

The Ottawa and Rideau canals complete a second (interior) line of navigation from Montreal to Kingston, on Lake Ontario. Their united length is 143½ miles, of which the Rideau canal is 126½. The total lockage is 578½ feet, of which 446½ belong to the Rideau. Of this some 177 feet is fall, the difference rise. The distance by this route from Montreal to Kingston is 249½ miles.

The St. Ours lock and the Chambly canal connect the St. Lawrence and the Hudson, *via* Richelieu river and Lake Champlain. Distance from Montreal to New York, 456 miles.

The following table shows the dimensions of the largest vessels which can pass through the various locks on these several lines of navigation :

* A channel 11½ miles long has been dredged through Lake St. Peter, so that vessels drawing 30 feet can go up to Montreal. Two locks on the Lachine canal have 16 feet on the sills; and three on the Welland are 200 by 41 feet.

† At bottom and 61 at top.

Canal.	Length in feet.	Breadth in feet.	Draught of water when loaded.	Tonnage.
St. Lawrence canal.....	186	44½	9	600
Welland canal.....	142½	26½	10	400
Ottawa canal.....	95	18½	5	100
Rideau canal.....	127	31½	5	250
Chambly canal.....	114	23	6½	230
United States, Champlain canal....	89	13½	4	70
United States, Erie canal.....	102	17½	7	210

It may here be noted that the distance from Quebec to Liverpool, via Belle Isle, is 3,060 miles; via Cape Clear 2,910.

Light-houses.—The are now 116 light-houses connected with Canadian inland navigation, viz.: From straits of Belle Isle to Quebec 20; between Quebec and Montreal 32; west of Montreal 52, of which 3 are on the Ottawa; in charge of private individuals and companies 12.

Harbors.—These are almost all transferred to private or railway corporations.

NEW BRUNSWICK.

The European and North American railway is the chief public work in New Brunswick. It connects the city of St. John, on the bay of Fundy, with Shediac, on the gulf of St. Lawrence, and is under the management of three commissioners appointed by the governor. The board now consists of Mr. George Thomas, chairman, Mr. James Steadman, and Mr. C. H. Fairweather. It is claimed for this road that it is the best and most perfectly constructed railway in America.

The province has built and keeps up eleven light-houses on the bay of Fundy, and three on the gulf, also a steam whistle on Partridge island. (St. John.) all which have cost \$50,156. It has no piers, wharves, and, excepting one dredge, no steam vessels. There was at one time an idea of cutting a canal from the headwaters of the bay of Fundy to the gulf of St. Lawrence, but it has not been carried into effect. It owns a penitentiary and a lunatic asylum, also a parliament house and the governor general's residence.

NOVA SCOTIA.

The Nova Scotia railway is the only public work of importance owned by the province. It runs from Halifax to Windsor and Truro, and it is intended to finish it to Annapolis on the one hand, and to Pictou on the other. The former extension is only projected; the latter is nearly completed.

The province owns fifty-one light-houses, costing, say \$200,000 Cost of maintenance for 1865, \$36,742; light duty received, \$35,875.

The books of the province do not show the cost of the province building, government house, lunatic asylum, and penitentiary, nor do any means exist for estimating their value.

Government usually contributes towards building the wharves and piers required along the coast, and advances money for the purpose. The "navigation securities" taken on such occasions are simply security that the money will be properly spent, not bonds from which any pecuniary return is expected. The only bond taken is, that the land on which the wharves, &c., are built, is made over to the government.

The government have for the past year or two been cutting a canal at St. Peter's, leading into the Bras D'or. It is designed to accommodate vessels of from 15 feet to 22 feet 6 inches beam; estimated cost, \$170,000; amount spent, \$11,941.

The government have built most of the roads in the province, but they are not regarded as an asset, nor can their cost or value be stated.

The province owns a steamer, the *Druid*, and a schooner, the *Daring*; the former a vessel of some 700 tons, once a blockade runner; the latter a craft of about 70 tons. They are used for the protection of the fisheries, and for light-house service.

PRINCE EDWARD'S ISLAND.

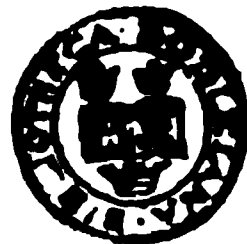
The public works of Prince Edward's Island are, eight light-houses, (another in course of erection,) a barracks, and a market-house. Value of the whole, \$60,000.

NEWFOUNDLAND.

The public works of Newfoundland are, five court-houses and jails, a lunatic asylum, a post office, custom-house, a hospital, a poor asylum, some sewerage, a few roads and bridges, and sixteen light-houses.

PUBLIC LANDS.

CANADA.



At the end of 1865, 50,321,837 acres of public lands had been surveyed in Canada, of which 24,756,159 were in Upper, and 25,565,678 in Lower Canada. At the same date there had been disposed of by sale or free grant 40,577,697 acres, leaving about 10,000,000 of surveyed acres open for sale and settlement; but surveys still proceed at the rate of about 500,000 acres annually, so that there is still plenty of room and opportunity for all who prefer holding from the crown to buying from private owners.

NEW BRUNSWICK.

The crown lands of New Brunswick have never been relied on as a source of revenue, and no systematic efforts have ever been made to dispose of them with rapidity. In 1863, about 7,551,909 acres had been granted, leaving 9,795,451 acres vacant, of which 6,714,198 acres are adapted for cultivation. About 200,000 acres are surveyed, and laid off in lots of 100 acres each.

Government lands are disposed of by auction, at an upset price of 60 cents per acre; 25 per cent. is required to be paid down, and the balance in three equal annual instalments. Where the whole of the purchase money is paid at the time of sale, there is a discount of 20 per cent. allowed. Under the regulations of sale for *bona fide* settlement there is no competition; the price is sixty cents per acre, the money to be expended in the opening of roads. Settlers may procure land under the labor act, by a petition to the lieutenant governor; they will be required, in this case, to perform road work in lieu of a money payment, such labor to be performed on the roads near their lots, and to be completed within five years. When the settler has performed the labor, cleared five acres, and resided on his lot for one year, he receives a grant under the great seal of the province, vesting the land in him and in his heirs.

In 1865, 58,082 acres of land were taken up by 622 applicants, a large percentage being acquired under the above-mentioned labor act.

NOVA SCOTIA.

In Nova Scotia, the commissioner of crown lands at Halifax, who is not a member of the government, conducts the business of the department.

Deputy surveyors reside in every county, whose duty it is to execute orders issued by their principal, and to protect crown property from trespassers; they are furnished with plans of their respective counties.

The system of disposing of the crown lands is as follows:

The applicant presents, in person or otherwise, at the office of the commissioner, a petition to his excellency the lieutenant governor, praying a grant of a specified number of acres, with a general description of the locality, and at the same time pays into the office of the receiver general a sum of money at the rate of \$44 for 100 acres. The tract that will be granted is limited to 500 acres

except with the special approval of the governor in council. No distinction is made in the price between 100 acres and smaller lots, as the difference in cost of the survey is very trifling. The cost of surveys is paid by the province. Upon receipt of the petition and money, an order of survey is forthwith issued to the deputy surveyor of the county to survey the lot. It is the duty of the surveyor to proceed immediately with the survey, and to report every particular descriptive of the lot—whether occupied or vacant, whether improved or otherwise, as well as any objections made to the passing of the grant, together with remarks of his own. The order of survey gives but an incipient right to the applicant—the report is for the information of the office and the government.

Upon a return of the survey and report, a report is drawn up by the commissioner and submitted to the executive committee, consisting of three members of the government, who decide to whom the grant shall issue, in case the lot is claimed by more than one.

All persons are strictly prohibited by law from entering upon crown lands and cutting the wood without authority. The same law applies to the interfering with the mines or minerals.

The governor in council is authorized to order surveys, whenever required, of large blocks of land, to be laid off in lots of 100 acres for the accommodation of settlers. This rule is made for the benefit of immigrants. One prosperous German settlement has lately been formed under its operation.

In the event of settlers taking up land under this authorization, they require a permit, which reads as follows :

“ Permission is hereby granted to _____ to take immediate possession of a certain parcel of land, being lot No. _____, situate at _____ within the county of _____, containing _____ acres, and to occupy the said parcel of land on the following conditions :

“ 1st. That the occupant shall, within _____ months, build a house, and actually reside upon said parcel of land for _____ months every year during all the period of his occupation thereof, and shall clear and cultivate at least _____ acres *in superficies* during the continuance of this license, namely, _____ acres the first year, _____ acres the second year, and _____ acres the third year.

“ 2d. The occupant shall neither sell nor cut, nor permit any person whomsoever to sell or cut, any growing wood upon the said parcel of land, during all the period of his occupation thereof—excepting for the clearance of his land, for his fuel, and the buildings and fences that he may erect upon the same. All wood cut for other objects upon the said parcel of land shall be deemed to have been cut by the occupant, and may be taken and carried away by any person duly authorized by the government to that effect, without any formality whatever.

“ 3d. The occupant shall be entitled, in preference to any other, to become the purchaser of the said parcel of land as above described, at the rate of forty-four cents per acre, on paying the said sum by two equal instalments of \$22, the one-half in two years from the date of this license, and the other half at the expiration of the third year, with interest.”

The crown lands commissioners’ report for 1865 supplies the following statistics :

Acres applied for.....	105,756
Acres granted.....	47,157
Number of grants.....	344
<hr/>	
Amounts paid therefor.....	\$44,167
Receipts from sales, searches, and seizures.....	44,303
Disbursements.....	14,336
Net proceeds.....	29,975
<hr/>	

In 1864 the net proceeds were \$18,806. There was considerable activity in 1865, which has continued in 1866, owing to the purchase of lands for the sake of the timber growing on it.

There are no officers in Nova Scotia intrusted with the protection of the fisheries. No territorial licenses are issued for fishing stations, either on fresh or salt water. The government refuse to grant to private parties tracts that have been or are likely to be used as fishing stations.

The mineral lands of Nova Scotia are managed by officers not under the control of the commissioner of crown lands. For an account of the system relating thereto, see article on "Mining."

PRINCE EDWARD'S ISLAND.

All the lands on Prince Edward's Island having been granted by the crown, by lot, in one day, to private individuals who were supposed to have claims to the royal favor, there are no lands in the hands of the government except a few estates that have been purchased from private owners.

NEWFOUNDLAND.

Until of late no desire has been manifested by the people of Newfoundland to become owners of its soil, but within a few years past the frequent failure of the fisheries has caused more attention to be paid to the land. Several new lines of road have been made, and Mr. John H. Warren, the surveyor general, reports "much fine agricultural land" as being opened up. Nevertheless, in 1864, though one hundred and ninety-three grants of land were made, they were chiefly of a few roods only, and none covered so much as fifty acres. The total area so granted was only six hundred and sixty-seven and a half acres, and the total amount paid for it was only \$552.

THE LUMBER TRADE.

CANADA.

The lumber trade of Canada is of the highest importance to the country. As will be seen in the trade tables elsewhere printed, the exports of products of the forest have frequently approached, and in some years exceeded, those of the products of agriculture. The best general review of this industry is that read at the Detroit convention by Hon. James Skead, of Ottawa. No country in the world produces such fine and large timber in merchantable quantities as Canada; the species peculiarly adapted to commercial purposes being the white pine (*pinus strobus*) and the red pine (*pinus rubra*.) Mr. Skead enumerates eight districts, chiefly river valleys, producing pine of both these kinds, in addition to tamarac, black birch, ash, elm, spruce, white cedar, maple, oak, &c. These are: the Saguenay valley, 27,000 square miles; the valleys between the Saguenay and St. Maurice, 8,000; the St. Maurice valley, 21,000; the valleys between the St. Maurice and Montreal, 9,000; the Ottawa valley, 87,761; the valley between Kingston and the Trent, 2,350; the Trent valley, 6,200; total, 131,911. To this should probably be added 65,000 square miles of pine country east of the Saguenay, and 60,800 square miles drained into Lakes Huron and Superior. Mr. Skead calculates that about 24,000 square miles in the western peninsula of Canada produce, wholly or in part, the finer hard woods, as oak, elm, black walnut, maple, chestnut, hickory, and ash, also sycamore and bass-wood, and says that if a market could be obtained for the ornamental woods, Canada West would have a regular mine of wealth in her yet uncleared forests.

The crown lands department sells its timber limits at auction. Each limit is

theoretically ten miles square. The limit-holder becomes a tenant to the crown at the fixed ground-rent bid, and pays, besides, a halfpenny per cubic foot of squared timber, or five pence per piece on each standard log 12 feet long by 21 inches in diameter.

About twenty-five per cent. of the standing pine is available for squared timber; forty per cent. more for saw-logs; the remaining thirty-five per cent. is undergrowth, useless or damaged.

The average quantity of timber got out is stated by Mr. Skead to be as follows :

	Cubic feet.
Oak.....	1, 585, 856
Elm.....	1, 438, 707
Ash.....	149, 930
Birch.....	92, 714
Tamarac.....	987, 062
White pine.....	17, 665, 675
Red pine.....	2, 566, 360
	24, 486, 303
Sawed planks, 250,000 feet b. m. sent to Quebec.....	20, 833, 333
Home consumption.....	20, 833, 333
American market.....	20, 833, 333
Total.....	86, 986, 352

Or over one million and three-quarters tons.

The following is the official statement of the areas under license and the amounts accrued on timber and ground rents in the several districts—season 1865—with the names of the crown timber agents in each territory, whose duties are to grant licenses to cut timber, collect the crown dues, protect the public woods and forests from trespass, and administer the timber regulations :

Territory.	Agent's name and address.	Square miles under license.	Accrued on timber dues.	Accrued on ground rent.
Upper Ottawa.....	A. T. Russell, Ottawa.....	15, 356	\$150, 643	\$19, 500
Ontario.....	J. F. Way, Belleville.....	1, 904	25, 502	2, 882
Lower Ottawa.....	C. E. Belle, Montreal.....	2, 999	22, 668	1, 350
St. Maurice.....	A. Dubord, Three Rivers.....	6, 483	16, 578	4, 222
Huron, Superior, and Pen. of C. W.....	T. R. Nash, Toronto.....	892	9, 605	1, 982
St. Francis.....	G. J. Nagle, St. Hyacinthe....	1, 194	5, 949	880
Saguenay.....	G. Duberger, Chicoutimi.....	1, 096	8, 004	670
Chaudiere and Madawasca..	C. Dawson, Fraserville.....	1, 251	3, 382	2, 000
Lower St. Lawrence.....	T. Dubé, Trois Pistoles.....	364	4, 564	240
Bay des Chaleurs.....	J. N. Verge, Carleton.....	89	799	100
Total.....		31, 630	253, 700	34, 750

To these amounts add \$67,519 for slide dues and \$5,586 for miscellaneous items, and we have, as the total revenue accrued from the woods and forests \$361,570. The amount collected, including some arrears, was \$409,003.

On arrival at shipping ports the lumber is culled, if required, by government

ers. Merchants who purchase usually require the rafts to undergo this

the lumber trade employs in the forests alone 15,000 men, and in the manufacture of lumber over 2,000 mills and at least 10,000 men. It further employs at Quebec about 1,200 vessels, of an aggregate freight capacity of 500,000 tons, besides 500,000 of lake and canal tonnage. Seventeen thousand men are engaged in carrying its products from Quebec to Europe, and 8,000 men in their transportation on inland waters.

the returns of the exports of lumber in the years 1864-'65 showed as exports to

to Britain.....	\$7,971,991
to colonies.....	28,741
to West Indies.....	3,835
to United States.....	4,758,539
to Mexico.....	98,872
to many other countries.....	1,625
to all countries.....	144,992
Total.....	13,008,595

NEW BRUNSWICK.

the surface of New Brunswick was at one time one unbroken lumber field, the valley of the St. John contained what was thought to be an inexhaustible supply of the finest of white pine lumber. It is, however, now generally considered that almost all the fine white pine within reach of the tributaries of the river has been cut, and that very little remains excepting on the streams which flow into it from Maine. The lumberers have, therefore, turned their attention more to the coarser pine, still to be had in large quantities, out of which box-shooks are made, and to the black spruce, which in New Brunswick has considerable development.

The principal exports of lumber from New Brunswick for the past three years have been:

	1863.	1864.	1865.
Deals, plank, and scantling, over 9 feet long, feet.....	20,553	34,784	47,932
Do, plank, and scantling, not over 9 feet, feet.....	15,102	19,727	18,727
Boards, M.....	197	1,604	2,494
Do, over 9 feet long, feet.....	267,618	246,487	247,604
Do, not over 9 feet, feet.....	20,771	16,170	17,602
Do, M.....	22,407	15,897	31,589
Do, box and hogheads, No.....	287,852	304,018	581,120
Do, M.....		7,449	7,246
Do, M.....	194	977	1,702
Pine, M.....	31,302	44,587	94,332
Do—Birch, tons.....	12,614	17,267	14,534
Do—Spruce.....	395	1,972	1,435
Do—Pine.....	26,770	19,810	27,174

the deals over nine feet in length represented, in 1865, a value of \$2,041,307 of a total value of exports of lumber of \$3,641,759. Of the deals 30,701 were sent to the United States, 3,460 feet only to England, 5,658 to Cuba. Almost all the birch, pine, and spruce timber goes to England. The export duty on lumber is, on deals and battens exceeding nine feet in length, on boards, scantling, and plank exceeding nine feet in length and five square, twenty cents per thousand feet, superficial; on pine timber,

twenty cents per ton of forty cubic feet ; on birch, spruce, (masts and sy
teen cents per ton. This duty realized \$61,836 in 1863, \$67,641 in 1
\$61,903 in 1865. It replaces the stumpage duty formerly paid to th
for every tree felled. Lumberers now pay nothing to the crown save
money for timber berths. They apply for the territory they require,
surveyed and sold by auction after public advertisement. Timber be
dom fetch more than the upset price of four dollars per square mile, the
ment not appearing to desire to raise much money from this source, b
to encourage the production of lumber, and so to receive a revenue fro
duties. Persons have the option of taking license for one, two, or thr

NOVA SCOTIA.

There are no rules in Nova Scotia under which timber licenses c
To procure the right to the lumber the land itself must be purchased
crown. (See crown lands.) The timber exported is chiefly spruce. T
bering industry is not so important as in Canada or New Brunswick
value of the total exports for 1864 and 1865 was :

Wood.	1864.	1
Boards, &c.	\$424,560 00	\$51
Deal ends and scantling.....	159,227 00	2
Fire and lath wood.....	108,648 00	9
Laths and palings.....	939 00	4
Shingles.....	36,350 00	2
Spars and knees.....	19,805 00	19
Staves, hoops, and shooks.....	76,374 00	45
Sweeps and oars.....		6
Timber, all.....	29,937 00	31
Manufactured.....	24,716 00	13
Totals.....	880,556 00	776

NEWFOUNDLAND.

The timber of Newfoundland is spruce of small size ; and lumber
hardly be said to exist as a distinct branch of industry.

PRINCE EDWARD'S ISLAND.

There are no wild lumber lands in Prince Edward's Island. The mer
timber has been long exhausted. The deals exported from the provin
first obtained from the adjoining provinces, and most of the timber fo
building is bought in the yards of new Brunswick and Nova Scotia.

MINES AND MINING REGULATIONS.

CANADA.

Few countries present more frequent indications of mineral riches than C
but its mines have not yet had sufficient capital applied to them to mak
productive. The mining regulations of the province are distinct as it
the precious and the inferior metals.
Mining for the precious metals is regulated by the act 27 and 28 Vi
9, amended by 29 Vic., cap. 9 (1865.)
Under these laws two gold mining divisions have been erected : the Ch

, (south of Quebec.) R. Pope, inspector; and the St. Francis division near Sherbrooke,) J. K. Gilman, inspector.

Person is allowed to mine without a license, either a "crown lands gold" for unsold crown lands, fee \$2 per month, or a "private lands gold" for private lands, \$1 per month, the miner first obtaining the consent of the proprietor.

For the crown lands license claims may be worked as follows: *Alluvial*—On a river or large creek, twenty feet front, by fifty from the water's edge. On a small creek, forty by fifty feet, from centre of stream. In a gully, at least along the same and from hill to hill. On surface or hillside, sixty feet.

In case of tunnelling the inspector may grant a larger claim, or determine the size and place of claims in beds of rivers. *Quartz mines*.—To each claim one hundred feet along lead, by one hundred on each side. For claims over twenty-five feet additional along lead for every additional miner, but not to exceed 500 feet altogether. *Quartz crushing machines* must be licensed; proprietors keep books and furnish returns; license fee, \$5 per month.

Principal regulations are, that all licensees shall make returns of their workings; and that the discoverer of a gold field is entitled to a free license for one year.

Operations in gold mining have hitherto been principally carried on in the St. Lawrence division, in alluvial diggings on the river St. Lawrence, in the Seigneurie of Rigaud, Vaudreuil, (De Lery.) About fifty men were at work there at the date of the last report, June, 1866. Quartz mining is, however, now beginning to attract attention, and one or two companies are about erecting quartz crushing mills. The gold extracted is estimated to have been—

Summer of 1863.....	\$40,000, or \$50,000
Month of June, 1864.....	5,000
Ending June, 1865.....	140,000 to 150,000

In 1865 no statistics have been published, but it is thought that not more than 100,000 has been taken out, the great excitement respecting quartz mines having caused a lull in alluvial operations.

Little has been done in the St. Francis district beyond preparatory operations.

Mineral rights.—Each mining tract in unsurveyed territory is to be of blocks of 100 or 400 acres. They must be surveyed by a provincial land surveyor, and sold for at the value of \$1 per acre. In surveyed townships mineral lots are sold for \$1 per acre when the lands are held at less than that sum, and at the same price as other lands in townships where they are held for more. The sale must, however, be made in cash.

Progress of mining in Canada.—We are indebted to Mr. Charles Robb, engineer and surveyor, for the following statement of the progress of mining in Canada:

With the exception of coal, tin, and a few of the less important metals, Canada is not found to produce most of the useful minerals; while, with regard to the others, it may be safely asserted that the province contains within itself sufficient for domestic consumption, as well as for extensive foreign export.

Coal does not occur in any of the settled or explored parts of the country, and probably in any part, may be regarded as a fully established fact; but Canada is so situated in its proximity at all points to the carboniferous regions of the United States, and of Nova Scotia.

The so-called Laurentian formation, occupying a vast tract of country on the north side of the St. Lawrence, iron ores occur in such quantity as may be regarded as practically inexhaustible. The ore consists of the magnetic and hematite; the former yielding from 60 to 70 per cent. of pure iron. It is the same species, and occurs in the same geological formation as the ores from Sweden.

and Norway, from which the celebrated Swedish iron is manufactured. The specular oxide, which is also abundant in Canada, is the kind which is so extensively mined at Marquette, on Lake Superior, and produces, as is well known, a most valuable description of iron.

Most of the localities where important discoveries of these iron ores have been made in Canada are fortunately situated on or near the banks of navigable rivers and canals, and the ore generally occurs immediately at the surface. Mining and smelting operations have been carried on extensively at Marmora, in Hastings county; and, at the present time, a powerful joint stock company is engaged in establishing similar works at Hull, near Ottawa City. From other localities much of the ore has for many years been exported into the United States at remunerative prices; from ten mines, up to the year 1860, 14,000 tons of ore had been thus disposed of. At Moisie river, on the north shore of the gulf of St. Lawrence, a company is now engaged in working, on a large scale, alluvial deposits of remarkably rich magnetic iron-sand, from which the finest steel can be manufactured, by a very simple and inexpensive process.

Copper, undoubtedly, constitutes the most important of the mineral treasures of Canada, and is destined to occupy a very important rank among its resources. The ores of copper are distributed over vast tracts of country in the north shore of Lakes Superior and Huron, in Central Canada, and in the eastern townships of Lower Canada; but few of the mines have as yet attained the point of profit, and no complete statistics can at present be obtained. We subjoin, however, a few notes which may be relied on with regard to the results at some of the most important of these mines.

At the West Canada Company's mines on Lake Huron, the average production for the last five years has been about 3,000 tons of 20 per cent. ore, with a force of from 250 to 300 hands; the whole of this ore, which may be valued at \$250,000 annually, is shipped to England, and this company's operations are reputed to be highly remunerative. At many points on the north or Canadian shores of Lake Superior, rich lodes of copper and lead (some of the latter being highly argentiferous) have been discovered, but are for the most part as yet undeveloped.

In Central Canada copper and lead ores are found in promising quantities in the counties of Hastings, Leeds, and Lanark, but no very extensive or systematic mining operations have hitherto been instituted. The copper mines of the eastern townships have attracted much attention during the past six years; and their value has been, in too many instances, unduly inflated by interested speculators; but, although in such cases considerable disappointment has been experienced by over-sanguine capitalists who have embarked in such undertakings, sufficient has been developed to prove that in several districts in this part of the country copper mining may be carried on successfully on a larger scale.

The Acton mine, which for three or four years produced very largely with a very moderate expenditure of capital, is now comparatively unproductive. On the other hand, the Harvey Hill mine in Leeds, the St. Francis mine near Richmond, the Lower Canada, Capel, and Albert mines near Sherbrook, and the Huntington mine in Bolton, are all highly prosperous and promising undertakings. During the year 1865 the Harvey Hill mine yielded, with a very insignificant force, 390 tons of 20 per cent. ore, worth about \$25,000, and during the present season the produce of this mine will reach 500 tons, worth \$32,000. The St. Francis mine is also being systematically developed, although the number of miners employed is very small; a shaft has been sunk upwards of 200 feet, and levels driven to the extent of upwards of 600 feet. The ore incidentally obtained in thus opening up the ground has averaged about 55 tons of 10 per cent. per month. At the Lower Canada mine, with a force of 75 hands, 480 tons of 6 per cent. ore are extracted monthly; the Capel mine, with a force of 50 hands, has yielded about 500 tons from 5 to 6 per cent. in their exploring works from May to September of this year, while the Albert mine upon the

same veins, and intermediate between the two last named, affords an equally promising appearance. The Huntington mine in Bolton is even richer than those mentioned, yielding about 10 tons of 10 per cent. ore per fathom.

Gold, probably, ranks next in importance among the metallic productions of Canada, the alluvial gold diggings of the Chaudiere valley having been pretty extensively, though unsystematically, prosecuted during the last few years. In the report of the parliamentary commission on the Canadian gold fields for 1865 the production of the previous year, in the Chaudiere division, is given at 116,000, which is estimated to yield four dollars per day, as the wages of every man employed. The largest nuggets found have been worth about \$300, and most of the alluvial gold has been obtained within a very limited area. In this district, also, and at other parts of Canada East, gold-bearing quartz veins have been discovered of sufficient richness to pay a very handsome profit upon the cost of crushing and separating, for which purpose several mills are now in process of construction and erection.

In the counties of Hastings, Leeds, and Lanark, as also in the Ottawa district, marble, phosphate of lime, and plumbago have been ascertained to be very extensively diffused. The latter mineral is now attracting much attention among mining adventurers in Canada, which bids fair to become the most important source of supply, perhaps, in the world. Recently processes whereby the plumbago may be economically and on the large scale separated from earthy impurities have been introduced into Canada, and one establishment of this kind, situated in the township of Lochaber, 25 miles below Ottawa City, is now in successful operation.

The only other minerals of economic importance at present being worked to any extent in Canada are building materials, roofing slates, and gypsum, but of these we have no statistics to offer. There are three quarries of roofing slate in the eastern townships in successful operation. Rock oil has been very largely produced in the townships of Eunniskillen and Zone, in Canada West, but no statement of the actual amount produced can be made.

NEW BRUNSWICK.

The mining industry of New Brunswick is, as yet, in its infancy. The provincial geologist, De Gesner, reports it rich in several metallic ores, such as iron and manganese. Gold exists in places, copper in others, but no important workings are now going on. The brown building stone of the head of the bay of Fundy is a very important article of export. The following details relate to the mines now being worked:

The Albert Coal Mining Company was incorporated in the year 1851. Its paid-up capital is \$238,720, in 5,968 shares of \$40 each. The quantity of coal shipped annually is from 15,000 to 20,000 tons. In 1865 there were 15,790 tons shipped to the United States, 2,260 tons to St. John, and 608 tons to Nova Scotia, amounting to 18,658 tons, valued at the shipping wharf in Hillsborough at \$186,658. This mine is situated in the parish of Hillsborough, Albert county, was first discovered in 1849, and was worked with but little success for six or seven years, owing to a long and expensive lawsuit connected with it, the want of mining experience brought to bear on it, and the value of the material not being sufficiently understood. Since 1857 it has been doing a good business, raising from 15,000 to 20,000 tons annually. The price of the coal for several years was \$15 per ton, delivered at the shipping wharf, but for the last two years it has ranged only from \$9 to \$11 per ton. The dividends, when the price of coal was high, were 115 per cent.; in 1865, about 31 per cent.

There has been considerable difference of opinion among scientific men as to whether the material raised from this seam or vein is a true coal, or an asphalt or solidified oil. For commercial men the term asphaltic coal (applied

to it shortly after its discovery) appears to have more significance than the term albertite, given it by scientific men, as it is applied in the same manner as coal for the purpose of gas and oil making, while it has none of the properties of the asphalt of commerce to make it a substitute for that mineral.

The gas made from this coal is of the most brilliant description. It produces about 15,000 feet to the ton. The oil made from it is the best of all coal oils, and it yields about 76 gallons of rectified oil to the ton.

The seam or vein lies about 25 or 30 degrees off the perpendicular; the depth now sunk is about 800 feet, and the average thickness, which is very irregular, is about 6 feet. The company have three very powerful engines for raising the coal and keeping the mines free of water. Several companies have been formed, and shafts sunk in the immediate vicinity of the mines, for the purpose of finding this coal, but no seams of sufficient thickness have yet been discovered, although the parties are yet sanguine of success. But little of this material has been found out of Albert county, and none out of New Brunswick.

The coal mines at Grand Lake have been worked for thirty or forty years. The coal is bituminous, and most of it highly charged with sulphur. It is chiefly used in the province for blacksmiths' purposes, and a portion of it is shipped to Nova Scotia and the United States. It is found near the surface, in seams of about 20 inches thick, and while several shafts have been sunk to a considerable distance, no working seams have, as yet, been found. In 1865, 529 tons were shipped to the United States, valued at \$2,599, and 453 tons to Nova Scotia, valued at \$1,907—or about \$4½ to \$5 per ton.

The "Albert Manufacturing Company," of Hillsborough, Albert County.—This company was established about 1849 for the purpose of mining and manufacturing gypsum, which they did to a large extent, until the war in the United States prevented any being sent to the southern States, where the consumption was the greatest. In 1865, the company shipped to the United States 4,900 tons of the rock gypsum, valued at \$4,409; ground gypsum, 470 tons and 480 barrels, valued at \$2,375; and of plaster of Paris, 2,400 barrels, valued at \$2,400. Of plaster of Paris to Nova Scotia, 348 barrels, valued at \$400. The quantity of this mineral is almost inexhaustible, and the quality of the best description.

The "International Manganese Company," formed for the purpose of mining manganese, own lands near Sussex, on the line of railway. Their exports for 1865 were 222 tons, valued at \$3,856. Several other manganese mines are being opened up in the province.

There are several companies who quarry building stones for export. The quantity shipped to the United States in 1865 was 6,975 tons, valued at \$44,155.

NOVA SCOTIA.

The gold and coal mines of Nova Scotia are now one of the chief sources of the wealth of the province.

Gold.—The earliest discovery of gold in the colony, made known to the public, was in 1860, near Tangier harbor, by one John Pulsiver, of Musquodoboit. In April, 1861, the government formally took possession of the district and commenced laying off mining lots, of which about a hundred were soon leased. A gold commissioner was then appointed, and annual reports began to be issued, the first of which is for 1862. From these reports we collect the following statistics, which will illustrate the condition and progress of the gold-mining industry of Nova Scotia:

	Average number of men employed.	No. of crushing mills.	Steam power.	Water power.	Quartz, sand, and gravel crushed.	Yield per ton.
					Tons. cwt. lbs.	oz. dwt. gr.
ending December 31, 1862.....	464	30	18	12	6,401 00 00	1 01 01
ending December 31, 1863.....	577	35	25	10	17,001 14 15	16 12
months ending Sept. 30, 1864.....	830	35	23	12	15,316 14 00	19 00
ending September 30, 1865.....	692	33	23	10	23,835 11 00	1 00 21

	Gold from alluvial mines.	Total yield.	Maximum yield per ton.	Average yield per man for twelve months at \$18 50 per ton.
	oz. dwt. gr.	oz. dwt. gr.	oz. dwt. gr.	\$
ending December 31, 1862.....	311 00 0	7,275 00 00	25 00 0	368 00
ending December 31, 1863.....	28 00 0	14,001 14 17	66 00 0	206 00
months ending Sept. 30, 1864.....	38 11 3	14,575 09 08	103 14 0	324 66
ending September 30, 1865.....	141 00 7	24,867 05 22	16 10 0	664 80

Mr. P. S. Hamilton, of Halifax, the chief commissioner of mines, says, in his report for 1865, that "everything indicates a large increase and profitable extension of profitable gold-mining operations in future years." The steady increase in yield per man, and of the yield per ton of quartz crushed, would seem to verify this opinion. The commissioner remarks that "the great band of morphyic rock which extends along the Atlantic coast the whole length of the province is auriferous, and to such a degree that gold mining there can be carried on with handsome profits."

TABLE.—The growth of the coal mining industry of Nova Scotia is best shown by the following tabular statement of the tons of coal raised since 1827 :

Year.	Tons.	Year.	Tons.	Year.	Tons.
1827.....	11,491	1840.....	98,267	1853.....	196,935
1828.....	19,429	1841.....	136,110	1854.....	213,250
1829.....	20,252	1842.....	119,478	1855.....	216,338
1830.....	25,240	1843.....	97,200	1856.....	231,934
1831.....	34,424	1844.....	99,993	1857.....	267,806
1832.....	46,585	1845.....	137,908	1858.....	289,618
1833.....	69,497	1846.....	134,393	1859.....	267,496
1834.....	46,677	1847.....	183,099	1860.....	304,129
1835.....	51,813	1848.....	170,518	1861.....	334,545
1836.....	96,427	1849.....	158,955	1862.....	393,631
1837.....	109,347	1850.....	163,725	1863.....	429,351
1838.....	97,933	1851.....	139,976	1864.....	406,699
1839.....	133,928	1852.....	171,621	1865.....	651,256

Taking the value of coal at the mine to be only \$3 per ton, the product of the industry represents a value of nearly \$2,000,000.

Ex. Doc. 30—10.

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Respecting coal mining the chief commissioner remarks that "its general results have been no less satisfactory than gold mining." There were at the date of his last report thirty collieries in operation, some only just opened, but, with one or two exceptions, all with the best of prospects. In addition to the territory of the General Mining Association, there were 31 square miles of country under coal mining leases, and 1,920 square miles under license to explore.

The coal sold in 1865 was from the following mines :

Mines.	County.	Total quantity sold.	
		Tons slack.	Tons round.
Chiegnecto Company.....	Cumberland.....		35
Joggins.....	do.....	1,377	5,676
Laurence.....	do.....	1,557	519
Maccan.....	do.....		
St. George Company.....	do.....		
Victoria.....	do.....		4,265
Acadia.....	Pictou.....	1,041	5,913
Albion.....	do.....	23,106	120,215
Bear Creek.....	do.....		40
McDonald and McKay.....	do.....	31	104
Nova Scotia Coal Company.....	do.....		43
	do.....		12
	Cape Breton.....	35	2,345
Block House.....	do.....		101,963
Caledonia, Cow Bay.....	do.....		1,033
Caledonia, Glace Bay.....	do.....		
Clyde.....	do.....	72	3,976
Collins.....	do.....		4,321
Glace Bay.....	do.....	5,550	76,277
Gowrie.....	do.....	6,203	35,327
International.....	do.....	5,613	9,220
Lingan.....	do.....	253	56,908
Matheson, L. Bras D'or.....	do.....	79	1,157
Mira Bay.....	do.....	7	2,371
Roach and McInnis.....	do.....		23
Sidney.....	do.....	1,172	28,253
Port Hood.....	Inverness.....	113	1,097
Richmond.....	Richmond.....	566	3,524
Sea Coal.....	do.....	201	36
New Campbellton.....	Victoria.....	222	4,365

Of this amount there was :

	Tons slack.	Tons round.
Sold for home consumption.....	8,276	51,222
Exported to neighboring colonies.....	8,003	44,588
Exported to other countries.....	30,990	508,775
Totals.....	47,259	605,585

Iron.—The only place in Nova Scotia where iron was being mined and rolled in 1865 was at the Acadian Charcoal Iron Company's works at Londonderry. There then were employed 250 hands, producing 1,600 tons of bar iron within the year, of which 1,500 were shipped to England.

The statute of Nova Scotia "of Mines and Minerals" provides that quartz mines (gold) shall in general be laid off in areas of 150 feet along a quartz lode

y 250 feet across, in quadrilateral and rectangular shape. Payment in advance on application for a gold mine, \$2; leases to be for 21 years; one hundred days' labor to be employed annually on each area, unless more than 10 are held by one person, in which case some allowances are made.

Prospecting licenses (gold) cover an area not exceeding 100 acres, and cost 10 cents per acre for the first ten, and 25 cents per acre for the remainder. Bonds must be entered into to recompense private owners for damage done to their lands; also to employ at least one man per pay in developing the area.

Quartz mills must be licensed, and keep books open to government inspection. They must reserve for the government a royalty of 3 per cent. of the produce of gold.

Licenses to explore for other than gold mines, valid for one year, cover tracts not to exceed five miles square, but not less than two miles in width, and cost 20. Bonds are required similar to those given in the case of gold licenses. Licenses to work cover two years. Leases of coal mines must expire on or before 25th August, 1886. Leases of mines other than coal or gold are for twenty-one years. Royalty is payable quarterly on minerals "in marketable condition" of 5 per cent. on all ores and minerals, except gold, iron, and coal, of 8 cents per ton on every ton of iron, and 10 cents per ton on every ton of coal. Returns to be made under oath.

NEWFOUNDLAND.

The mining industry of this colony is yet in its infancy, but from the mines already discovered and in course of working, as well as from the opinions of competent authorities upon the indications of deposits in various portions of the island, there is good reason to believe that it possesses considerable mineral wealth, which is only awaiting the application of enterprise and science to give it a prominent place among its resources.

Union Copper Mine.—This mine is situated at Tilt Cove, near Cape John, in the northern part of the island. It was discovered by Mr. Smith Mackay, in the year 1864. Mr. Charles F. Bennett, merchant of St. John's, (a gentleman of great enterprise,) and Mr. Mackay, soon after became proprietors of the mine, and commenced the necessary preparations for its working. During the summer and autumn of 1865 they employed about fifty men, and shipped to Swansea five hundred tons ore, roughly dressed, yielding from ten to twenty per cent. yellow sulphate. During the winter and spring of the present year the same number of men found employment at this mine; and in August the crew was increased to the number of eighty hands, one-fourth of whom were imported from Cornwall. In July and August there were eleven hundred tons of ore shipped, and four hundred tons removed awaiting the arrival of a vessel engaged to take it to England. The results of the former shipments have not yet been ascertained, but the assays give from ten to fifteen and eighteen to twenty per cent.

There is a large deposit of pyrites, slightly charged with copper, at Little Bay, to the northward, which has been worked for some time by capitalists in England, for the purpose of extracting the sulphur for sulphuric acid, as well as for its contents of copper. There are now about a dozen men employed in this work. Some of this ore has yielded nine and ten per cent. of copper. It is considered exceedingly rich in sulphur.

Lead Mine at La Manche, Placentia Bay.—This mine was opened seven years ago, and several cargoes good lead ore (about two thousand five hundred tons) have been shipped therefrom, almost all to the United States. This ore is said to have yielded seventy-five per cent. It sold at rates varying from £15 to £20 per ton. This mine has not been worked at all during the last two or three years.

Mineral Oil.—Mr. Bennett, above named, has discovered within this year a mineral oil spring at Port-aux-Port, the samples of which appear to indicate an article of much value. The probable degree of productiveness of the spring has yet to be learned.

Marble.—At Canada harbor, in Canada bay, there is a width of three hundred feet of pure white marble, running westerly along the ridge of a hill some 300 feet high, dipping at an angle of about 45 degrees to the south. Mr. Bennett has opened a quarry in the north side of this deposit, and has sent samples to London, which have been pronounced by a gentleman of first-class authority there superior for statuary purposes to the marble of Carrara. In August last he had specimens taken out at a depth of seven feet, where the bed, from sixteen to eighteen feet wide and thirty feet in length, appeared to be of the same description. He afterwards had the brushwood, &c., removed from up the hill and along its ridge for the greater part of a mile, and then at intervals throughout this space removed the soil down to the rock, where, at each opening, the same white marble appeared. From this it would seem that the supply is superabundant.

The same class of marble also appears on the opposite side of the bay, with a pink vein running through it.

Roofing Slates.—There are in the island extensive deposits of roofing slates, which a few men with their own unaided labor are working to profitable account. The slate they produce absorbs but very little water, and is considered fully equal, if not superior, to any found in Wales. No efficient system for the opening of the quarries on a large scale has as yet been attempted.

PRINCE EDWARD'S ISLAND.

There are no regulations respecting mining in Prince Edward's Island. No minerals have been discovered, and there is no stone fit for building purposes, the stone for the province building having been imported from Nova Scotia. A grant was made by the general assembly to have a bore made to test their strata for oil or coal, both of which have been supposed to exist, but nothing has been actually done in the matter.

ELECTRIC TELEGRAPHS.

CANADA.

There were three electric telegraph companies in Canada in 1865—the Montreal, the Provincial, and the Vermont and Boston. Concerning these, the following official statistics were published :

1865.	Montreal Tel- egraph Co.	Provincial Tel- egraph Co.	Vermont and Boston Tel- egraph Co.	Total
Length of line, miles	4, 326	609	43	4, 978
Length of wire, miles	5, 457	652	43	6, 152
No. of stations open to the public . .	331	37	1	409
Number of instruments	370	40	1	411
Number of public messages sent * . .	444, 878	25, 000	9, 453	479, 331

During the current year, 1866, the Vermont and Boston company have withdrawn, their line passing into the hands of the Montreal Telegraph Company.

* In addition to these are press messages and check messages on company's own business. Some twelve or fourteen journals are furnished with despatches twice and three times a day.

d the Provincial and Montreal companies have considerably extended their res. The capital of the Montreal Telegraph Company is \$500,000, all paid; usual dividend, ten per cent.

The Montreal Telegraph Company own the following cables under the St. Lawrence: one at Cap Rouge, Quebec, $\frac{3}{4}$ mile; one at Bout de Isle, $\frac{1}{2}$ mile; one at Prescott, $\frac{1}{2}$ mile; two at Black Rock, Buffalo, $\frac{1}{2}$ mile each; one at Sarnia, mile, besides nearly a dozen at various canal crossings. It connects with its New Brunswick line via Campbelltown, and with the States at numerous points along the frontier.

NEW BRUNSWICK.

There are four telegraph companies owning lines in New Brunswick.

The New Brunswick Electric Telegraph Company's wires connect the United States and Nova Scotia with branches from Salisbury to Harvey, and from Moncton to Shediac. Capital, \$128,000; dividend, $4\frac{1}{2}$ per cent. half-yearly.

The line of the Fredericton and St. John Telegraph Company connects St. John with Woodstock, New Brunswick. Capital, \$48,000; dividend, four per cent. half-yearly.

Both the above are leased and worked by the American Telegraph Company. The Montreal Telegraph Company own the line from Sackville, New Brunswick, via Shediac and Chatham, to Campbelltown, with a submarine cable at allhouse half a mile in length.

The New York, Newfoundland, and London Telegraphic Company have a line between Sackville and Tormentine, New Brunswick, connecting with the cable across Northumberland straits to Prince Edward's Island.

The following table shows the length, &c., of the wires of these several companies:

	New Brunswick Telegraph Co.	Fredericton & St. John Tele- graph Co.	Montreal Tele- graph Co.	New York, New- foundland and London Tele- graph Co.	Total.
Length of line, miles	370	130	220	40	760
Length of wire, miles	500	130	220	40*	890
Number of stations	18	3	2	2*	31
Number of instruments	25	3	2	2*	39

There are no means in New Brunswick of ascertaining the number of messages sent during the year by the companies leasing the various lines.

NOVA SCOTIA.

The lines of the Nova Scotia Telegraph Company are leased and managed by the American Telegraph Company for five per cent. per annum on their capital. Mr. Jesse Hoyt is the president, and Mr. W. H. Wiswell, of Halifax, is secretary and chief executive officer of this company. The following are the statistics of the Nova Scotia lines:

Number of miles of line†	1, 198
Number of miles of wire	1, 465
Number of offices open	54
Number of instruments	66
Number of public messages per annum, about	60, 000

* Supposed; returns not giving these particulars.

† See farther Newfoundland.

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These lines include a mile and a half of heavy submarine cable at Cape Cans, half a mile at Pugwash, and one mile at Arichat.

The Nova Scotia lines connect with those of New Brunswick (also for Canada, the States, and Prince Edwards' Island) at Sackville, New Brunswick; with those of Newfoundland at Port Hood, Cape Breton.

It is claimed that the tariff of charges is cheaper in Nova Scotia than in any part of the world. The charge for short distances (in one case about 100 miles) is only 12½ cents.

PRINCE EDWARDS' ISLAND.

There are two lines of telegraph in Prince Edward's Island.

The New York, Newfoundland and London Telegraph company were induced, some six years ago, by the guarantee of £200 a year subsidy for 20 years, to lay down a submarine cable from Cape Tormentine, New Brunswick, to Cape Traverse, Prince Edward's Island, a distance of 10 miles, and to connect that point with Charlottetown, 30 miles. They have a station at Charlottetown, and in winter keep up another at the cape. Another wire has been stretched by other parties along the posts of this company from Charlottetown to Cape Traverse, and is continued thence to Summerside, 20 miles. The telegraph statistics for the island, therefore, are—

Miles of line, cable	9
Miles of line, land wire	10
Miles of wire	50
Number of stations (constant)	90
Number of instruments	2
	3

The number of messages sent is not ascertainable.

NEWFOUNDLAND.

The New York, Newfoundland and London Telegraph company have the permission of the American Telegraph company to maintain three stations in Cape Breton, to connect with the continent of America. The connection involves a length of line of 140 miles, including a cable from Aspey bay, Cape Breton, to Port au Basque, Newfoundland, 85 miles in length.

RECAPITULATION.

Thus all the provinces of British North America compare as follows in respect of their electric telegraphs:

	Canada.	New Brunswick.	Nova Scotia.	Prince Edward's Island.	Newfoundland.	Total.
Length of line.....miles..	4,978	760	1,198	60	500	7,496
Length of wire.....do....	6,152	890	1,465	90	500	9,197
Number of stations.....	369	31	54	2	15	471
Number of instruments.....	411	38	66	3	90	518

Nova Scotia is better supplied with telegraphic facilities than any other province.

otia.....	1 station to	6,500 people.
.....	1 " "	8,000 "
answick.....	1 " "	9,000 "
adland	1 " "	10,000 "
Edward's Island.....	1 " "	45,000 "

ncrease of electric telegraphs has been rapid and continuous since 1847. year, both the Montreal Telegraph Company and the Toronto, Hamilton, and St. Catherine's Electro-Magnetic Telegraph Company were incorpo- The latter company's line was built first, and was the first line put up h America ; it was a simple, insulated copper wire.

RAILWAYS.

CANADA.

railways of Canada have all been constructed by private companies' in most cases by advances from government, on which they have under- pay interest as upon other stock. In the case of the Grand Trunk the largest in the country and the one most essential to the develop- its commerce and its military defence, the government lien has been d, i. e., it is not to carry interest until the road pays six per cent. to the bond and share holders. the statement recently published by the auditor, we glean the annexed rs respecting the roads therein mentioned, for 1865 :

Railways.	Length in miles.	Cost of road and equipment.	Receipts.	Working exp's and renewals.	No. of persons employed.
stern	345	\$23, 855, 881	\$3, 370, 637	\$1, 545, 595	2, 851
runk	1, 377	80, 704, 095	6, 470, 998	4, 932, 764	5, 370
nd Port Stanley.....	24½	1, 032, 850	33, 191	26, 044	38
.....	25½	1, 622, 843	100, 016	69, 746	56
.....	97	5, 457, 789	506, 748	275, 941	446
re, Lindsay, and on.....	43	1, 593, 536	94, 021	} 78, 123	130
and Peterboro'	73	400, 000	63, 814		
re and Peterboro' ...	14	900, 000	21, 098		
and Ottawa.....	86½	2, 602, 024	86, 575		
nd Ottawa	54	2, 008, 994	86, 126		
nd Grenville	13	95, 077	10, 386	5, 784	13
Shefford, and y.....	44	1, 216, 000	58, 420	44, 138	70
nce and Industrie..	12	54, 100	8, 648	6, 566	20
als.....	2, 148½	121, 543, 189	10, 910, 678	7, 134, 102	9, 258

urther learn from the statement that the total amount paid by the roads ends, leases, interest, &c., was \$3,558,284, or very nearly 3 per cent. total cost; that they own 426 locomotives, 261 first class, 204 second 154 freight, 2,007 timber and platform, and 319 other cars, not including s ; that they carried 2,431,365 passengers, and 1,943,963 tons of freight. nts" killed 62, and injured 64 persons during the year.

g the Montreal and Champlain and the Buffalo and Lake Huron railways. ading eighteen miles in common with the Port Hope, Lindsay and Beaverton railway. he length of the section from Cobourg to Rice Lake, the only one now used.

The Erie and Ontario railroad has been rebuilt and reopened during the past summer, but we have no official figures respecting it.

The Canadian railway gauge is 5 feet 6 inches, the American being 4 feet 8½ inches. The exceptions are the Prescott and Ottawa, Grenville and Carleton, and St. Lawrence and Industrie roads, which have the American gauge, and the Montreal and Champlain railway, which has a third rail from St. Lambert Junction, to connect with Montreal through the Victoria bridge.

NEW BRUNSWICK.

There are two railways in operation in New Brunswick—the “European and North American” and the “New Brunswick and Canada” lines. The former of these is a public work, and the province owns stock in the latter. The St. Stephen’s Branch railway, 18 miles long, will probably be opened towards the close of the year. Preparations are being made for the building of several others.

The following statistics relate to the affairs of these companies :

	European and N. American rail’y.	New Brunswick and Canada railway.	Total.
Length of line, (miles).....	108	88	196
Cost of construction.....	*\$4,747,713	\$2,750,000	\$7,497,713
Gross revenue, 1865.....	133,409	53,904	187,313
Gross expenditure, 1865.....	94,907	38,619	133,526
Net revenue, 1865.....	38,502	15,285	53,787
Number of passengers carried.....	144,336	8,038	152,374
Tons of freight carried.....	44,518	41,568	86,086
Passenger fare, per mile, 1st class.....	2 cents	2½ cents	.....
Passenger fare, per mile, 2d class.....	ab’t 1½ cents	.....	.....

The New Brunswick and Canada railway was originally projected for the purpose of connecting Quebec with an open sea-port at St. Andrew’s; and when the Grand Trunk was opened to Rivière du Loup, the intention was to connect with it, thereby continuing the line from Richmond, the present terminus, via Florenceville, Grand and Little Falls. Distance from Rivière du Loup to Richmond, about 185 miles. The line is owned by the debenture holders, who reside in England.

The net revenue of the European and North American railway is thus ⅓ of 1 per cent. of its cost, and that of the New Brunswick and Canada railway about the same.

NOVA SCOTIA.

The Nova Scotia railway is a provincial work. It runs from Halifax, on the Atlantic, to Windsor, on the bay of Fundy, with a branch to Truro, whence it is being extended to Pictou, on the gulf of St. Lawrence. It will eventually connect with the Intercolonial line. It was opened to Windsor and Truro,

* This amount slightly differs from that given as the value of the road in the provincial balance sheet, by reason of the premium at which the debentures were sold appearing in this account and not in the balance sheet.

h in 1859, since which time its gross earnings have steadily increased from \$2,877 in 1859 to \$183,954 in 1865. It, nevertheless, only just pays working expenses, the net revenue, even in the latter year, being but one-half of one per cent. on the cost of the road; so that, although it is undoubtedly of great advantage to the province, the public exchequer has to make good $5\frac{1}{2}$ per cent. the interest on the bonds. The following are the statistics relating to the road for the year ending 30th September, 1865:

Length of line, (Halifax to Truro, 61; Halifax to Windsor, 45—13 common.)	93 miles.
Cost of construction	\$4, 319, 507
Gross revenue, 1865—passengers, \$82,073; horses and wagons, \$18,244; freight, \$80,422; miscellaneous, \$3,213; total	183, 954
Gross expenditure—locomotive power, \$47, 803; cars, \$33,446; maintenance, \$65,248; miscellaneous, \$11,572.	159, 069
Net revenue	24, 885
No. of passengers carried—1st class, 52,874; 2d class, 68,098; total	120, 972
Tons of freight carried—eastward, 29,436; westward, 14,703; total	44, 138
Mileage of trains, (miles.)	158, 422
Accidents—1 fatal; 3 slight; total	4
Engines—passenger, 16; ballast, 4; total	20
1st class cars, 10; 2d, 9; freight, 34; horse and cattle, 21; platform, 106.	

SHIPPING OWNED IN THE PROVINCES.

UPPER CANADA.

It is no easy matter to make an accurate statement as to the number and tonnage of vessels owned in Canada, for the system of registration is imperfect on the part of the private owners and the public officers.

The most reliable record of the shipping of the lakes and river St. Lawrence is that contained in the register prepared by Captain Thomas, for the use of underwriters, condensed into the following table:

Number.	Under 50 tons.	Between 50 and 100 tons.	Between 100 and 300 tons.	Between 300 and 500 tons.	Above 500 tons.	Total number.	Total tons.	Value in dollars.
Steamers		18	56	30	17	121	33,383	\$1,786,700
Propellers	6	25	24	21	4	80	16,044	906,700
Schooners			9	40	1	50	28,091	542,300
Gas-tines			12	7		19	4,903	89,700
Ops	1	4				5	285	4,100
Boomers	37	88	162	23		310	44,563	1,040,200
Total	44	135	263	121	22	585	117,269	4,369,700
Barges: carrying capacity, 1,837,650 bushels						175	31,979	445,700

154 RECIPROCAL RELATIONS BETWEEN THE UNITED STATES

Separating the figures for Upper and Lower Canada, we have :

	Steamers.	Propellers.	Barkentines.	Brigantines.	Sloops.	Schooners.	Total.	Tons.	Value.
Upper Canada.....	53	37	48	17	4	273	432	83,580	\$2,620,000
Lower Canada.....	68	43	2	2	1	37	153	33,689	1,749,700

To this statement for Upper Canada should, perhaps, be added a number of vessels of less than 50 tons, which the insurance register does not mention. We estimate this at 75 sailing and 15 steam vessels, of 1,400 and 500 tons respectively, making for Upper Canada, besides barges, a total of—

Steam vessels.....	68;	tons, 23,206;	value, say....	\$1,139,700
Sailing vessels.....	454;	“ 62,234;	“	1,557,300
Total Upper Canada....	522	“ 85,440	“	2,697,000

LOWER CANADA.

At the port of Montreal, the register, under the provincial act, shows a total of 75 steamers, and 355 vessels not steamers, with a tonnage of 6,265 and 31,737 respectively. These are chiefly tugs, dredges, scows, and barges, engaged altogether in the inland navigation. Perhaps they should be almost entirely left out of this account, which is only intended to include vessels fitted for the navigation of the sea or of the lakes. Under the merchant shipping act of 1864, there are registered in the port 65 steamers, of 15,764 tons, and 148 sailing vessels, of 28,638 tons. Six of the sailing vessels, of 4,594 tons, are owned abroad, and should be taken off for the purposes of this account. This would leave 207 vessels, of 39,808 tons. In Quebec the register shows:

Of 50 tons and over, 472 vessels, 83,123 tons; of less than 50 tons, 287 vessels, 9,758 tons.

On the north and south coasts of the river and gulf below the port of Quebec. (which extends to Bic,) about 170 vessels are owned, with 12,300 tons. Adding all these figures together, we have as a total for Lower Canada, 1,136 vessels, of 144,989 tons. These include the fleet of Canadian ocean steamships.

NEW BRUNSWICK.

The returns of the comptroller of New Brunswick, who is also the registrar and surveyor of shipping, show the tonnage registered in the province on the 31st day of each successive year. The figures are as follow :

Year.	No.	Tons.	Year.	No.	Tons.
1854.....	878	141,454	1860.....	825	147,083
1855.....	866	138,292	1861.....	813	158,940
1856.....	892	164,226	1862.....	814	157,718
1857.....	857	160,508	1863.....	891	211,680
1858.....	812	139,095	1864.....	958	233,285
1859.....	811	134,055	1865.....	1,019	300,685

the number and tonnage of the vessels owned in 1865 was thus distributed between the three ports of registry :

	No.	Tons.
Halifax	628	263,783
St. John's	146	21,139
St. Andrews	245	24,773
Total	1,019	309,695

NOVA SCOTIA.

The Nova Scotia returns only enable us to carry back the statement of ship-registered in that province to the year 1857, statistics having been little added to there until of late. The following is the account from that period :

Vessels registered in the various ports of Nova Scotia on September 30.

Year.	No.	Tons.	Value.
1857	1,994	183,697	\$6,731,080
1858	2,107	185,080	6,471,780
1859	3,118	234,743	6,096,780
1860	3,258	248,061	6,487,490
1861	3,408	277,718	7,417,805
1862	3,539	309,554	8,965,959
1863	3,718	365,503	11,392,857
1864	3,898	409,409	13,347,509

PRINCE EDWARD'S ISLAND.

The shipping owned in Prince Edward's Island can now be stated with accuracy for the vessels wrecked, broken up, or sold abroad, which had not been formerly written off the books for nearly twenty years, were so written off in

the account—supplying the value, which is not stated in the island returns, 5 per ton—stands, December 31, 1865 : Number, 272 ; tons, 39,549 ; value, \$4,215.

NEWFOUNDLAND.

As might be expected, the number of vessels owned in Newfoundland is considerable. The account showed on December 31, 1865, (supplying the value at 10 per ton :) Number, 1,486 ; tons, 87,023 ; value, \$3,480,920. Seven of these vessels appear to be steamers ; two of 60 tons, employed as tugs ; one of 117 tons, as mail-boats from St. John's to the outports ; and three of 100 tons, as sealers.

RECAPITULATION.

The above statements show the shipping owned in British North America :

Province.	No.	Tons.	Value.
Canada	522	85,440	\$2,697,000
Canada	1,136	144,989	5,799,560
New Brunswick	1,019	309,695	11,000,000
Nova Scotia	3,508	363,068	11,976,758
Prince Edward's Island	272	39,549	1,384,215
Newfoundland	1,486	87,023	3,480,920
Total	7,943	1,029,764	36,338,453

156 RECIPROCAL RELATIONS BETWEEN THE UNITED STATES

The average tonnage of the vessels owned in the various provinces is:

In Upper Canada, 164 tons; Lower Canada, 128 tons; New Brunswick, 304 tons; Nova Scotia, 104 tons; Prince Edward's Island, 145 tons; and in Newfoundland, 58 tons.

The tonnage owned, (per head of the population,) taking as the population the numbers estimated in the article on the census to be living in the provinces in January, 1867, is:

In Upper Canada, 0.05 ton per head; Lower Canada, 0.11 ton per head; New Brunswick, 1.05 ton per head; Nova Scotia, 0.98 ton per head; Prince Edward's Island, 0.43 ton per head; Newfoundland, 0.64 ton per head. Average for all British North America, 0.26 ton per head.

GREAT BRITAIN.

Sailing and steam vessels registered in the ports of the United Kingdom and colonies on 31st December, 1864. (Commons' paper No. 331, shipping 1865.)

		Sailing vessels.	Tonnage.	Steam vessels.	Tonnage.
England	{ small	7,290	229,577	772	17,973
	{ large	12,916	3,815,426	1,135	510,476
Scotland	{ small	1,073	32,771	106	2,709
	{ large	1,953	575,778	295	112,529
Ireland	{ small	929	28,434	47	1,263
	{ large	1,054	165,317	127	50,586
Isle of Man	{ small	277	6,848		
	{ large	48	4,047	5	1,509
Channel islands	{ small	208	5,726	1	11
	{ large	354	66,295	2	181
British possessions	{ small	5,717	156,526	112	3,224
	{ large	6,012	1,232,015	325	66,223
In the British islands		26,142	4,930,219	2,490	697,291
In the colonies		11,729	1,388,541	437	70,067
Total		37,871	6,318,760	2,927	767,358

SHIP-BUILDING.

NEW BRUNSWICK.

The following return of the new vessels registered in the province of New Brunswick, and their tonnage, in each year from 1850 to 1864, including vessels built for owners in the United Kingdom, and sent home under certificate of governor's pass, shows the extent of the ship-building industry of the province. Almost all these vessels were built at St. John. Since the establishment of a system of surveying by Lloyd's surveyors, the quality of the ships built at New Brunswick has very much improved:

Year.	No.	Tons.	Year.	No.	Tons.
1852	118	58,390	1859	93	33,320
1853	122	71,428	1860	100	41,003
1854	135	99,426	1861	80	40,523
1855	96	54,561	1862	90	42,719
1856	129	79,907	1863	137	65,250
1857	148	71,989	1864	163	66,000
1858	75	26,263	1865	148	65,474

NOTE.—The "small vessels" are of less than fifty tons burden; the large ones of fifty tons or more.

1825 (41 years) there have been built 4,317 vessels, measuring 1,649,860 register; averaging 104 vessels, 40,240 tons, for each year. The vessels registered since 1st May, 1855, were measured under the merchant ship act, 1854, which reduced the tonnage by about 10 per cent., as compared with the act previously in operation.

NOVA SCOTIA.

The following figures show the extent of the ship-building industry of Nova Scotia for the past six years :

Year.	No. of ves- sels built.	Tons register.	Estimated value.
1855	233	20,684	\$352,831
1856	216	23,634	972,448
1857	201	39,383	1,566,168
1858	207	46,862	1,962,814
1859	304	73,038	2,943,204
1860	294	56,768	2,481,752

A few of these vessels—not more than 40 per annum—were sent abroad. The others were built at almost all the ports, and are chiefly vessels of small tonnage. This will be seen by the following table, relating to the ships registered in Nova Scotia.

Where regist'd.	Sloops.	Schooners.	Brigantines.	Brigs.	Barks.	Ships.	Total No. of new vessels.	Tons register.	Estimated value.
Halifax	5	2	3				10	1,525	\$74,000
St. John's	12	3					15	1,512	64,400
St. John's	1						1	81	2,916
St. John's	4	7	1	1			13	2,554	136,200
St. John's	4	1		1			6	730	29,300
St. John's	1	33	16	5	8		63	10,357	414,320
St. John's		7	7		6		20	4,198	270,600
St. John's		9	3				12	945	49,140
St. John's		8	10	2	2		22	3,884	155,360
St. John's		4	7		7	1	19	4,983	198,350
St. John's		6	1				7	498	16,936
St. John's		4	4	2	1		11	1,750	74,050
St. John's		8	7		4		19	3,202	176,000
St. John's		5					5	320	12,700
St. John's		10	18	6	6	2	42	9,948	397,920
St. John's		8	5		13	3	29	10,271	409,560
Total	1	128	91	19	49	6	294	56,768	2,481,752

158 RECIPROCAL RELATIONS BETWEEN THE UNITED STATES

PRINCE EDWARD’S ISLAND.

Statement of the number and tonnage of vessels built since 1850, w
estimated value thereof:

Year.	No.	Tons.	Value.	Year.	No.	Tons.
1850	93	14, 367	\$502, 845	1858	69	13, 073
1851	89	15, 721	550, 235	1859	61	11, 064
1852	76	10, 748	376, 180	1860	66	12, 636
1853	76	13, 340	466, 900	1861	67	12, 732
1854	106	24, 111	843, 885	1862	89	18, 418
1855	86	15, 559	544, 565	1863	100	24, 991
1856	51	22, 781	797, 335	1864	119	24, 688
1857	104	24, 060	842, 100	1865	130	26, 193

From two-thirds to three-fourths of these vessels are exported annua
figures for 1865 being : Transferred to other ports and sent home und
ernor’s pass, No., 89 ; tons, 18,276 ; value, \$639,660. For so small a
tion as that of Prince Edward’s Island, these figures are very remarkab

NEWFOUNDLAND.

Newfoundland buys ships from Nova Scotia and Prince Edward’s Isla
a large number of small fishing craft are built there. In 1865 those s
were No., 71 ; tons, 2,010 ; value, \$80,400.

MONTREAL OCEAN STEAMSHIP COMPANY.

This company was formed in the year 1853, and its first steamers we
ployed in the transport service in the Crimea during the war with Russia
first trip to Canada was made in 1854 ; but the regular mail service comm
in 1856. The service was then once a fortnight, but in 1859 it was inci
to a weekly line, and has now run with regularity ever since.

The company’s vessels now comprise the following :

Mail line.

Austrian	2
Nestorian	2
Moravian	2
Peruvian	2
Hibernian	2
Nova Scotian	2
Belgian	2
North American	1
Damascus	1

Glasgow line.

St. David	1
St. George	1
St. Andrew	1
St. Patrick	1

The Glasgow line runs once a fortnight from each side.

The average length of passage made by these steamers has been nearly as follows :

	Days.
Mail line, westward.....	10 to 11
Mail line, westward, winter.....	12 to 13
Mail line, eastward, summer.....	10
Mail line, eastward, winter.....	12
Glasgow line, westward, summer.....	12 to 13
Glasgow line, westward, winter.....	15 to 16
Glasgow line, eastward, summer.....	11 to 12
Glasgow line, eastward, winter.....	13 to 14

The capital of the company in steamships, tenders, lighters, workshops, and other plant, may be estimated at about one million of pounds sterling, or \$5,000,000.

The individuals forming the company are also the owners of twenty-five sailing ships, of an aggregate of 20,000 tons. Of these, six are built of iron, and the remainder of wood, and they trade to all parts of the world. The company keep constantly in their employ about three thousand men, thus being the means of support for about fifteen thousand people, besides the large number of persons constantly engaged in building new vessels and repairing others. The magnitude of this company's establishment may be a surprise to many in the colonies and elsewhere. There are not many people prepared to learn that, taking in their sailing vessels, there are only three or four larger companies in the world, namely, the Cunard, the West India Royal Mail Company, and one or two others, which are a little larger. The Inman Company is about equal.

CANADIAN TRADE.

IMPORTS.

No. 1.—Statement of the imports into Canada (goods entered for consumption) from Great Britain, the British colonies in North America and the West Indies, the United States, and all other countries, from 1850 to the present time. (Coin and bullion excluded from the total.)

Year.	FROM BRITISH COLONIES.			From the United States.	From other countries.	Totals.	Quinquennial averages.	Coin and bullion.	Duties.
	From Great Britain.	In North America.	In West Indies.						
1850	\$0, 631, 921	\$345, 620	\$4, 451	\$6, 372, 494	\$365, 916	\$16, 759, 702		\$232, 266	\$2, 462, 583
1851	12, 037, 993	436, 971	13, 625	7, 935, 972	570, 296	20, 984, 857		430, 933	2, 949, 756
1852	10, 571, 133	480, 954	5, 115	8, 477, 093	651, 598	20, 296, 493	\$20, 110, 362		2, 957, 055
1853	18, 480, 121	632, 630	3, 479	11, 762, 147	1, 074, 029	31, 945, 436			4, 470, 707
1854	22, 963, 330	675, 115	2, 673	16, 533, 098	1, 355, 109	40, 529, 325			4, 890, 005
1855	18, 303, 560	865, 948	14, 135	20, 838, 577	1, 073, 909	36, 096, 109			3, 525, 782
1856	18, 212, 934	1, 032, 594	17, 614	22, 704, 500	1, 616, 736	43, 584, 387			4, 508, 842
1857	17, 559, 025	751, 888	26, 823	20, 224, 651	868, 211	36, 430, 598	30, 342, 984		3, 925, 051
1858	12, 286, 853	423, 366		16, 635, 550	732, 083	29, 077, 832		675	3, 361, 390
1859	14, 767, 872	361, 370	533	17, 592, 265	793, 473	33, 535, 913		19, 244	4, 437, 846
1860	15, 839, 320	393, 464	15, 842	17, 258, 585	905, 260	34, 412, 431		35, 504	4, 758, 465
1861	17, 945, 570	439, 177	39, 371	20, 206, 040	1, 094, 963	39, 750, 161		3, 304, 675	4, 768, 193
1862	21, 080, 916	535, 469	39, 851	22, 642, 460	1, 673, 844	45, 980, 939	40, 493, 535	2, 619, 694	4, 652, 749
1863	20, 176, 964	510, 713	132, 195	18, 457, 043	2, 034, 651	41, 312, 300		4, 652, 287	5, 69, 173
1864, six months	11, 878, 907	93, 831	217, 333	7, 922, 401	1, 264, 440	21, 406, 712		2, 475, 504	3, 038, 308
1864-'65	21, 035, 871	511, 570	309, 329	14, 420, 177	3, 274, 644	39, 461, 991		4, 769, 474	5, 663, 374

No. 2.—Statement of the exports from Canada to Great Britain, the British colonies in North America and the West Indies, the United States, and all other countries, from 1850 to the present time. (Coin and bullion excluded; "short returns" added to exports to the United States.)

Year.	TO BRITISH COLONIES.				To the United States.	To other countries.	Totals.	Quinquennial averages.	Coin and bullion.	Duties.
	To Great Britain.	In North America.	In West Indies.							
1850.....	\$4,803,389	\$1,808,776	\$8,376		\$5,933,243	\$108,281	\$12,943,795			
1851.....	6,021,401	1,037,519	3,912		4,917,429	164,144	13,810,604			
1852.....	6,756,857	812,130	13,961		7,536,155	188,495	15,307,807			
1853.....	11,405,408	1,380,466			10,725,455	229,974	23,801,303			
1854.....	10,876,714	1,529,275	8,989		10,418,883	185,329	23,019,190			
1855.....	6,738,441	1,023,447	3,749		20,002,291	420,533	29,188,461			
1856.....	10,457,644	1,056,041	10,803		20,218,654	263,775	32,047,017			
1857.....	11,102,045	875,239			14,762,641	266,699	37,006,624			
1858.....	8,808,611	960,426			13,373,138	240,432	23,472,609			
1859.....	7,373,106	840,475	7,025		15,586,917	355,906	24,563,320		\$3,652	
1860.....	12,719,591	723,534			20,698,348	370,289	34,542,652		89,228	
1861.....	16,787,592	1,030,939	12,382		16,158,374	340,335	30,369,682		244,513	
1862.....	15,045,420	826,871	13,775		16,980,810	550,252	33,417,129		178,937	
1863.....	17,401,856	935,196	57,542		20,010,533	841,002	40,146,129		1,685,403	
1864, six months.....	4,700,244	348,090	14,016		8,022,963	94,029	13,179,342		704,166	
1864-'65.....	14,637,155	1,005,057	41,313		24,213,582	835,850	40,792,960		1,688,191	

* Not returned.

† None.

NATURE OF EXPORTS.

No. 5.—Statement of the nature of the merchandise exported from Canada in each year, from 1850 to the present time. ("Short returns" given in a separate column, the greater part of which should be added to "products of agriculture" for purposes of comparison.)

Years.	Products of agri- culture.	Produce of the forest.	Animals and their products.	Ships.	Manufactures.	Products of the fisheries.	Products of the mine.	Other articles.	Short returns.
1850	\$4,237,896	\$5,442,937	\$630,321	\$1,281,721	\$26,708	\$146,051	\$36,582	\$159,496	\$982,083
1851	3,804,320	6,063,516	879,538	1,666,200	63,208	249,296	86,755	151,883	845,884
1852	4,725,457	6,578,339	1,183,719	1,050,400	79,133	297,850	33,576	107,501	1,251,633
1853	8,032,546	9,421,020	1,370,525	2,480,750	194,735	340,003	109,357	63,294	1,789,073
1854	7,316,161	9,981,367	833,273	2,208,250	216,640	349,711	298,923	44,985	1,769,881
1855	13,030,400	7,947,923	1,595,184	1,219,545	476,077	459,920	125,835	68,563	3,265,014
1856	14,972,276	10,019,883	2,564,059	1,213,078	373,628	456,337	165,648	43,198	2,238,900
1857	8,882,825	11,730,387	2,107,240	1,383,441	398,821	540,113	286,469	121,120	1,556,205
1858	7,904,400	9,284,514	2,625,978	743,640	325,376	718,296	314,823	112,538	1,443,044
1859	7,339,798	9,663,962	3,789,502	421,566	487,231	817,423	468,512	110,732	1,664,603
1860	14,259,225	11,012,253	4,221,257	749,268	502,037	832,646	558,306	137,240	2,270,430
1861	18,236,476	9,572,645	3,681,468	1,411,480	289,130	663,700	463,118	154,718	1,896,947
1862	15,041,002	9,482,897	3,923,590	988,428	415,327	703,806	702,906	242,002	1,917,080
1863	13,472,134	13,543,926	5,502,633	2,287,901	868,782	789,913	871,549	325,649	2,483,642
1864, six months	4,368,691	4,167,161	2,103,691	927,707	277,789	99,683	146,230	111,694	976,696
1864-'65	10,451,509	14,283,207	8,486,382	1,923,594	1,094,714	765,816	574,664	339,842	2,873,223

in the present time.

Years.	FROM SEA.					FROM INLAND PORTS.		
	Tons from Great Britain.	Tons from British colonies.	Tons from United States.	Tons from other foreign countries.	Total number	Total tons.	Total men.	Quinquennial average.
1850.....	332,656	27,624	125,981	34,855	1,500	522,116	18,406	•
1851.....	446,552	29,648	96,725	33,900	1,732	600,194	20,506	•
1852.....	381,844	28,615	115,046	32,737	1,729	564,242	22,803	•
1853.....	413,932	46,798	116,503	45,318	1,798	622,579	22,392	3,821,980
1854.....	501,498	53,525	65,401	61,625	1,880	705,342	24,401	3,584,052
1855.....	279,986	50,730	34,706	50,131	1,168	419,553	14,252	6,110,100
1856.....	352,526	47,196	32,649	112,022	1,494	550,573	18,976	6,199,329
1857.....	477,263	63,237	66,902	119,023	2,047	746,435	30,490	4,635,544
1858.....	475,451	51,155	12,557	74,650	1,657	613,813	22,537	4,362,830
1859.....	438,703	58,815	65,370	72,765	1,715	641,662	24,929	3,631,622
1860.....	615,083	74,557	27,403	114,411	1,992	831,434	30,043	3,814,160
1861.....	836,760	66,130	24,291	150,957	2,442	1,077,128	37,091	3,041,329
1862.....	697,843	77,519	10,931	136,146	2,187	922,439	33,151	4,100,196
1863.....	791,552	72,198	7,843	180,156	2,463	1,041,679	35,851	3,538,701
1864, six months.....	207,392	30,868	16,621	111,087	773	365,968	11,824	1,576,036
1864-'65.....	656,595	88,309	45,496	148,544	2,043	938,946	31,154	4,199,696

• No returns.

Summary statement of the quantity and value of and amount of duty collected on the articles of British and foreign merchandise entered for consumption during the fiscal year ending on 30th June, 1866, of which the imports were valued at \$100,000, and indicating from what country imported.

AND THE BRITISH NORTH AMERICAN PROVINCES.		165						
Articles.	Total value of imports.	Great Britain.	BRITISH COLONIES.		U. States.	France.	Germany. Other foreign countries.	Amount of duties re-coi-ved.
			North America.	West Indies.				
<i>Specific and ad valorem.</i>								
30 p. ct.—Brandy, 165,141 gallons.....	\$128,425	\$21,879	\$749	.....	\$831	\$164,757	\$137	\$80,142 73
10 " Molasses, 2,070,614 gals....	470,697	1,910	34,068	\$27,324	232,788	.....	168,607	143,821 69
5 " Coffee, green, 1,222,833 lbs..	177,697	63,754	2,130	7,146	98,388	.....	6,249	44,822 16
15 " Sugar, refined, 270,786 lbs..	18,069	16,005	119	20	710	365	706	8,986 20
10 " Sugar, other than refined, 37,361,463 lbs	1,827,516	367,929	92,460	63,851	591,510	.....	705,766	925,623 44
15 " Tea, 6,775,501 lbs.....	2,313,307	1,658,352	9,173	3	376,703	5	319,601	607,119 34
<i>20 per cent. ad valorem.</i>								
Carpets and hearth rugs.....	306,870	303,258	.....	.....	3,601	.....	11	61,343 80
China, earthen and crockery ware.....	191,439	181,956	516	.....	6,241	2,406	308	37,235 72
Cordage.....	110,345	92,769	1,213	170	16,193	.....	.....	19,091 08
Cottons	7,149,569	6,955,297	2,236	.....	106,190	11,591	8,285	1,408,842 04
Dried fruit and nuts of all kinds, 6,612,581 lbs	323,721	190,619	587	.....	34,698	22,700	35	64,252 42
Drugs, not otherwise specified.....	190,924	158,572	150	40	29,087	2,925	210	37,983 11
Fancy goods and millinery.....	668,542	482,271	20	24	123,250	48,863	12,828	133,300 90
Glass and glassware.....	342,877	108,586	88	.....	141,472	37,121	9,509	68,204 76
Hats, caps, and bonnets	369,635	253,534	80	.....	107,608	1,052	7,361	73,327 01
Hosiery	260,578	253,188	20	.....	1,774	2,162	3,434	51,841 46
Iron and hardware	1,442,990	901,795	4,632	237	507,970	2,340	22,699	281,879 86
Leather	249,814	63,075	407	.....	21,685	158,390	6,257	49,667 91
Linen.....	1,019,437	1,005,925	.....	127	10,765	311	2,300	303,826 51
Manuf's of leather, or imitation leather..	197,735	72,688	.....	.....	17,990	99,068	7,224	39,509 73
Musical instruments, including musical boxes and clocks.....	103,688	6,007	.....	.....	88,922	714	4,893	20,607 22

Summary statement of British and foreign merchandise—Continued.

Articles.	Total value of imports.	BRITISH COLONIES.		U. States.	France.	Germany.	Other foreign countries.	Amount of duties received.
		North America.	West Indies.					
Other machinery	\$256,917			\$211,898			\$550	\$51,381 36
Oils, in any way rectified or prepared, 201,909 gallons.	180,885	\$1,537		20,546	\$35,239	\$335	8,172	31,456 69
Paints and colors.	192,563	103		23,233	862	3,360		24,099 33
Silks, satins, and velvets.	1,153,813			39,657	110,026	20,896	7,935	230,890 66
Small wares.	1,234,157			98,384	55,109	8,931		246,125 70
Wine, all kinds, casks, 574,362 gallons.	1,341,904	374	\$70	1,090	86,068	16,256	154,816	67,605 65
Woolens	6,855,317	7,969	837	197,544	129,506	134,056	31,991	1,357,094 34
Unenumerated articles.	963,502	2,776	277	116,386	9,091	840	2,537	44,511 70
10 per cent. ad valorem.								
Copper, brass, or iron tubes and piping, when drawn.	153,622			8,261				15,392 04
Cotton, yarn and warp.	249,144	62		141,905				24,028 78
Jewelry and watches.	254,178			32,759	29,684	3,785	9,033	25,352 80
Iron—Canada plates and tin plates.	218,713		23	532				21,814 46
Iron—railroad bars, wrought iron chairs, and spikes.	125,316			9,119				11,254 75
Steel, wrought or cast.	175,969	10		13,562		501		17,350 54
Free goods.								
Animals—horses, 1,939.	104,404	949		101,767				
Articles for public uses of province.	460,055	150		377,417			356	
Bark, berries, nuts, vegetables, woods, and drugs, used solely in dyeing.								
Books, (printed,) periodicals, and pamphlets, not elsewhere specified.	190,268	124	53	81,134	1,110	1,680	5,277	
Carriages, travellers' vehicles, &c.	470,308	10		207,512	40,933	280	1,105	
Cheese, 1,263,081 pounds.	184,740			184,740				
Coal and coke, 446,276 tons.	322,473			217,650	1,008			
Commercial and ordnance stores.	908,700	30,003		455,800			1480	
Cotton wool.	126,017			24,891				
Flax, hemp, and tow, undressed.	324,446			101,076				
	146,201			107,050				

Iron, iron.....	123,319	5,790	4,011	.....	119,500	.....	.....	.....
Fish, salt.....	402,111	2,610	309,612	.....	145,646	.....	754	309
Fish oil, crude.....	266,457	13,786	195,974	.....	67,873	.....	.....	.....
Fruit, green.....	239,246	83,533	96	.....	219,354	1,906	.....	.....
Furs and skins, pelts or tails, undressed.....	148,039	240	19,427	.....	24,041	.....	17,038	4,104
Flour, 81,945 barrels.....	402,277	.....	10,977	.....	390,604	432	24	.....
Grain, Indian corn, 2,075,834 bushels.....	1,062,012	.....	.....	.....	1,062,012	.....	.....	.....
Grain, wheat, 2,018,426 bushels.....	2,164,749	1,887	.....	.....	2,162,862	.....	.....	.....
Hides and horns.....	675,129	7,904	1,616	.....	657,322	.....	.....	8,257
Meats, fresh, smoked, salt, 7,619,561 lbs.....	771,570	4,075	5,209	.....	762,895	.....	1,106	285
Military and naval stores.....	332,023	374,493	4,623	.....	9,967	.....	.....	.....
Pig iron, pig lead, and pig copper.....	472,690	428,363	322	.....	33,062	4,566	.....	6,377
Rice.....	212,008	203,162	394	.....	6,686	.....	1,766	.....
Sal ammoniac, sal soda, soda ash.....	106,891	99,393	38	.....	6,892	564	.....	.....
Salt.....	354,707	152,602	3,583	.....	215,778	68	.....	12,676
Seeds.....	177,094	42,844	49	.....	133,356	716	129	.....
Settlers' goods.....	222,394	322,808	2,184	12	423,767	200	37,822	95,605
Tallow, 2,069,754 lbs.....	200,884	462	.....	.....	200,422	.....	.....	.....
Timber and lumber, all sorts, unmanuf.....	140,700	63	2,872	.....	137,760	.....	.....	.....
Tobacco, unmanufactured, 4,620,561 lbs.....	381,048	344	.....	.....	308,504	.....	.....	.....
Wool, 1,640,104 lbs.....	483,079	47,381	.....	.....	435,694	.....	.....	.....
Fire-arms, &c., as per order in council, 21st of March, 1866.....	160,534	487	.....	.....	160,047	.....	.....	.....
Value of total imports, 1866.								
Goods paying specific duty.....	185,474	26,980	1,318	.....	157,176	.....	.....	64,540 88
specific and ad valorem duties.....	5,227,302	2,201,502	156,450	101,317	1,299,520	177,516	29,217	1,261,780 2,007,756 18
30 per cent.....	176,189	107,260	566	75	45,340	5,645	1,447	15,856 51,586 30
25.....	121,732	92,325	6,406	384	17,062	5,061	494	..... 21,048 85
20.....	24,976,506	20,873,587	71,649	3,151	2,483,790	901,510	295,115	374,074 4,930,413 58
15.....	2,019	1,501	.....	.....	481	37	.....	..... 302 76
10.....	2,582,615	2,166,347	1,811	23	355,359	36,894	4,503	17,678 255,076 28
Free goods, coin and bullion.....	5,191,842	9,931	53	.....	5,181,858	.....	.....	.....
Other free goods.....	15,335,201	3,515,097	619,069	710	10,880,667	88,427	63,034	167,597
Totals.....	53,798,880	28,994,530	857,922	105,660	20,421,253	1,215,090	393,810	1,810,615 7,330,724 83
Foreign reprints of English copyright works.....	3,430	.....	.....	.....	3,439	.....	.....	.....
Grand totals.....	53,802,319	28,994,530	857,922	105,660	20,424,692	1,215,090	393,810	1,810,615 7,330,724 83

Summary statement of the quantity and value of the principal articles of Canadian produce and manufacture exported during the fiscal year ending on the 30th June, 1866, of which the imports were valued at \$100,000, and indicating to what country exported.

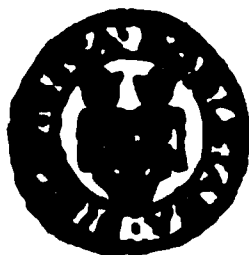
Articles.	TOTAL EXPORTS.		TO WHAT COUNTRY EXPORTED.						
	Quantity.	Value.	Great Britain.	British colonies.		United States.	France.	Germany.	Other foreign countries.
				N. America.	W. Indies.				
The mine:									
Copper ore, tons	3,637	\$213,049	\$198,440			\$14,609			
Pig and scrap iron, tons	5,654	132,691	5			132,686			
The fisheries:									
Dried and smoked fish, cwt.	147,312	730,486	79,381	\$32,324	\$16,860	3,162			\$598,759
Pickled fish, barrels	30,891	116,716	2,097	21,733	2,166	90,720			
The forest:									
Pot ashes, barrels	29,797	965,199	616,792	354		348,049			
Pearl ashes, barrels	4,797	139,804	82,384			57,420			
Elm, tons	29,483	255,670	250,443	51		508	\$4,088	\$360	220
Oak, tons	64,026	710,861	608,824	934		78,828	11,764	9,418	1,098
White pine, tons	450,950	2,324,063	2,088,912	74	40	197,310	23,995	7,478	6,254
Red pine, tons	85,638	593,134	577,275	2,286	150	1,270	9,294	379	2,480
Standard staves, unillo	2,417	346,968	286,166	417	500	27,239	17,223	1,083	14,340
Other staves, mille.	8,441	258,652	154,056	5,416	3,276	85,960	9,028		916
Deals, stand. hund.	53,947	1,992,033	1,969,817	516	461	7,530	7,681	420	5,608
Planks and boards, M feet	465,812	4,683,075	34,531	4,528	4,289	4,608,554	5,611	4,210	21,352
Firewood, cords	240,193	462,566	12		12	462,542			
Shingles, mille.	77,848	161,455		12,449	1,566	147,022	418		
Other woods.		198,080	11,564	986		182,770	2,360		1,000
Saw-logs, number.	128,336	118,796				118,796			
Animals and their produce:									
Horses, number.	27,811	2,590,725		220		2,590,505			
Horned cattle, number.	146,641	4,312,222		20		4,312,142	60		
Swine, number.	30,652	319,774				319,774			
Sheep, number.	107,033	570,202				570,194			
Veal, number.		100,413		24		100,388			
Beef and mutton, cwt.	14,521	174,500	104,698	709		18,836			
	16,946	150,691	90,025	5,174		139,793			

Butter, pounds.....	10, 448, 789	2, 094, 270	753, 104	82, 056	.....	1, 254, 436	.....	.....	4, 674
Cheese, cwt.....	8, 703	123, 494	84, 042	5, 509	.....	33, 943	.....	.....	.....
Eggs, dozens	1, 811, 100	241, 190	.....	275	.....	240, 907	8	.....	.....
Furs, dressed .....	.....	473	.....	.....	.....	473	.....	.....	.....
Furs, undressed .....	.....	367, 089	270, 044	1, 542	.....	95, 303	.....	.....	.....
Hides .....	.....	107, 376	1, 787	1, 644	.....	103, 945	.....	.....	.....
Pork, cwt	74, 869	618, 536	19, 978	64, 517	.....	534, 041	.....	.....	.....
Sheep's pelts.....	.....	104, 188	.....	.....	.....	104, 188	.....	.....	.....
Wool, pounds.....	1, 784, 733	756, 229	2, 975	151	.....	753, 113	.....	.....	.....
Agricultural products:									
Barley and rye, bushels.....	6, 355, 191	4, 623, 341	.....	4, 533	.....	4, 618, 808	.....	.....	.....
Flax-seed, bushels.....	91, 244	146, 103	140	6	.....	145, 957	.....	.....	.....
Flour, barrels.....	855, 558	5, 198, 746	501, 778	1, 011, 407	.....	3, 671, 250	.....	.....	13, 123
Meal, barrels	52, 481	243, 343	61, 683	33, 078	.....	148, 272	.....	.....	155
Oats, bushels	4, 450, 102	1, 615, 185	690, 942	12, 326	.....	908, 158	400	.....	24
Other seeds, bushels.....	53, 113	115, 481	956	3, 741	.....	110, 784	.....	.....	.....
Peas, bushels	1, 549, 519	1, 234, 245	888, 231	16, 619	.....	328, 670	.....	.....	71
Wheat, bushels	2, 339, 588	3, 106, 112	48, 894	10, 196	.....	3, 047, 022	.....	.....	.....
Manufactures:									
Hardware .....	.....	172, 922	322	12, 189	.....	151, 915	.....	.....	6, 456
Leather .....	.....	239, 743	84, 436	61, 213	.....	94, 062	.....	.....	32
Wood .....	.....	108, 315	11, 231	18, 789	.....	52, 986	.....	.....	.....
Coin and bullion .....	.....	2, 397, 591	214, 973	.....	.....	2, 182, 618	.....	.....	.....
Other articles.....	.....	668, 815	4, 556	18, 192	.....	645, 025	10	.....	680
RECAPITULATION.									
Produce of the mine.....	.....	422, 570	199, 345	614	.....	222, 611	.....	.....	.....
“ fisheries .....	.....	980, 311	114, 154	76, 433	.....	171, 908	.....	.....	598, 790
“ forest .....	.....	13, 846, 986	7, 144, 317	30, 089	.....	6, 461, 015	111, 174	32, 035	57, 982
Animals and their products.....	.....	12, 682, 683	1, 326, 055	166, 990	.....	11, 184, 741	68	.....	4, 829
Agricultural products.....	.....	16, 651, 074	2, 217, 975	1, 114, 049	.....	13, 238, 008	400	.....	14, 248
Manufactures.....	.....	989, 936	168, 780	164, 749	.....	604, 335	40	.....	24, 205
Coin and bullion.....	.....	2, 397, 591	214, 973	.....	.....	2, 182, 618	.....	.....	.....
Other articles .....	.....	668, 815	4, 556	18, 192	.....	645, 025	10	.....	680
Total value of exports .....	.....	48, 639, 966	11, 390, 155	1, 571, 116	.....	34, 770, 261	111, 692	32, 035	700, 714
Fifty-eight vessels* .....	.....	1, 616, 886	1, 591, 486	.....	.....	.....	4, 640	20, 760	.....
Total value of reported exports.....	.....	50, 256, 852	12, 981, 641	1, 571, 116	.....	34, 770, 261	116, 332	52, 795	700, 714

* Built at Quebec during the fiscal year ending June 30, 1866. Thirty-eight, 27,258 tons, at \$40 per ton; and twenty, 13,857 tons, at \$38 per ton.

170 RECIPROCAL RELATIONS BETWEEN THE UNITED STATES

Value of exports from Quebec.....	\$9, 029, 829
Value of exports from Montreal.....	6, 831, 635
Value of exports from Gaspé and outports.....	886, 360
Value of exports from Rimouski.....	37, 899
Value of exports from New Carlisle.....	1, 587
<hr/>	
Total from sea-ports.....	16, 787, 310
Total from inland ports, as reported.....	33, 469, 542
<hr/>	
	50, 256, 852
Estimated amount short returned at inland ports.....	4, 183, 692
Goods not the produce of Canada.....	1, 877, 836
<hr/>	
Grand total of exports for fiscal year ending 30th June, 1866...	56, 328, 380
<hr/> <hr/>	



Statement of imports into New Brunswick—Continued.

Countries.	1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.	1865.
British N. Amer'n colonies.....	\$1, 029, 024	.....	.....	.....	.....	.....	.....	.....	.....	.....
British West Indies	37, 022	.....	.....	.....	.....	.....	.....	.....	.....	.....
Other British colonies	6, 730	.....	.....	.....	.....	.....	.....	.....	.....	.....
Foreign countries, except the United States	214, 401	.....	.....	.....	.....	.....	.....	.....	.....	.....
Total	7, 301, 654	\$6, 810, 926	\$5, 541, 300	\$6, 796, 963	\$6, 944, 352	\$5, 943, 039	\$6, 199, 701	\$7, 658, 462	\$8, 945, 352	\$7, 086, 595
Quinquennial averages .....	.....	.....	.....	.....	6, 687, 039	.....	.....	.....	.....	7, 166, 630

Countries.	1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.	1865.
United Kingdom.....	\$3,589,392	\$2,997,322	\$2,566,358	\$3,438,893	\$2,626,387	\$3,077,039	\$2,283,785	\$2,888,482	\$2,732,733	\$2,594,651
Guernsey, Jersey, &c.....		14,371	13,435	4,833	1,459	7,000	5,665			
Gibraltar.....									3,870	
Cape of Good Hope.....				998						2,189
British East Indies.....										
Australia.....		4,526	5,568	1,493				1,532	5,028	
Canada.....		4,243	8,554	35,866	44,943	54,202	48,000	43,112	60,044	86,237
Newfoundland.....		31,426	31,541	36,173	18,821	18,482	11,855	12,232	7,467	12,569
Prince Edward's Island.....		47,794	32,218	68,174	87,715	59,879	80,932	98,771	85,261	99,548
Nova Scotia.....		373,776	286,478	301,891	306,192	286,016	341,027	400,524	556,924	569,351
Bermuda.....								1,294	5,695	
Bahamas.....							35,894	22,876	42,740	8,755
Antigua.....		4,949	9,168			2,281	1,817	3,016		
Nevis.....								1,613		
St. Kitts.....									969	1,277
Barbadoes.....		43,992	37,445	40,694	24,043	38,414	26,198	33,918	43,338	25,953
Trinidad.....			2,650	2,170				1,920		
British Guiana.....		11,582	5,126	9,864		8,920				2,097
Jamaica.....		6,187	840	4,848	9,634	3,432	5,955	4,400	8,640	
Holland.....									1,008	2,677
France.....		936		3,067	10,392	32,644	14,373	13,162	7,490	15,068
Austria.....								6,068		
Spain.....		11,381	26,381	13,306	4,363	8,400	7,248	10,500	8,826	9,326
Portugal.....								1,966		2,899
Teneriffe.....							829		3,854	
Fayal.....								1,170		
Italy.....		6,413							11,737	14,308
Naples.....					5,558		11,054	11,236		
Madeira.....		4,651		1,488						4,993
Morocco.....								1,378		
Cape de Verd Islands.....						2,095				
United States.....	832,728	761,746	785,769	1,132,867	1,192,214	843,141	889,416	1,244,915	1,266,148	1,737,208
St. Thomas.....			1,978	1,262	1,200		8,447	7,250	2,803	4,729
Hayti.....						1,375	2,578	21,915	1,613	5,266

Statement of exports from New Brunswick—Continued.

Countries.	1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.	1865.
Cuba and Porto Rico.....		\$53,409	\$72,011	\$31,421	\$39,451	\$57,050	\$76,083	\$83,139	\$158,424	\$300,528
St. Pierre Miquelon.....		4,560	6,216	2,117	4,445	1,579	1,957	3,238	3,481	4,626
Dutch Guiana.....									2,580	
Martinique.....				992		1,440				
Guadeloupe.....		1,200		1,133			1,082	13,275	3,665	1,600
Montevideo.....								7,879	16,122	12,354
Chili.....		20,856		16,869	21,768	12,650			6,999	7,947
Mexico.....							834		6,425	7,910
British N. Amer'n colonies..	\$513,360									
British West Indies.....	34,968									
Other British colonies.....	52,152									
Foreign countries, except the United States.....	129,484									
Total.....	5,152,084	4,405,320	3,891,739	5,152,425	4,298,585	4,546,039	3,856,538	4,940,781	5,053,879	5,534,726
Quinquennial averages.....					4,600,330					4,786,933

NOVA SCOTIA.

Imports.—The imports into Nova Scotia since 1852 have been of the mentioned value in Halifax dollars:

Year.	Value.	Year.	Value.
.....	\$5,970,877	1859.....	\$8,100,955
.....	7,065,431	1860.....	8,055,439
.....	8,955,410	1861.....	7,603,227
.....	9,413,515	1862.....	8,445,042
.....	9,349,160	1863.....	10,201,391
9 months).....	7,246,390	1864.....	12,604,642
.....	8,075,590	1865.....	14,381,662

Imports from—	1864.	1865.
Britain.....	\$5,407,843	6,315,988
.....	403,956	508,935
runswick.....	375,307	694,169
ndland, &c.....	220,960	186,308
Edward's Island.....	188,843	203,371
West Indies.....	440,767	667,206
West Indies.....	1,123,557	669
West Indies.....		12,105
West Indies.....		1,273,247
ningo.....	4,303,016	3,870
States.....		4,325,857
.....	.....	6,493
.....	6,236	48,513
.....	.....	5,239
.....	.....	1,661
.....	9,567	46,425
.....	.....	125
.....	17,076	25,445
.....	39,523	52,337
.....	1,991	4,476
Total.....	12,604,642	14,381,662

duties on these imports were, in 1864, \$964,432 70; in 1865, \$1,040,553.

nature of the imports in 1865 is shown by the following table:

Articles.	TOTAL IMPORTS.	
	Quantity.	Value.
Porter.....	103,330 gallons.....	\$54,171
horned cattle, 8.....	118 horses, 331 sheep.....	12,518
ammunition—pounds, 7,745.....	4,082 pks.....	16,648
ork, hams—cane., 221.....	576 pounds, 12,891 barrels.....	212,077
fine.....	86,363 pounds.....	8,843
navy—pkgs., 648.....	109,167 pounds.....	7,737
g fluid.....	1,549 gallons.....	1,936
and lard—pkgs., 13.....	224,891 pounds.....	33,923
t, tallow.....	61,869 pounds.....	9,334
other.....	29,127 pounds.....	5,974

176 RECIPROCAL RELATIONS BETWEEN THE UNITED STATES

Imports in 1865—Continued.

Articles.	TOTAL IMPORTS.	
	Quantity.	Value.
Cheese.....	73,271 pounds.....	\$8,380
Chocolate or cocoa paste.....	159 pounds.....	2
Cinnamon or cassia.....	1,097 pounds.....	26
Clocks.....	716 pkgs.....	5,423
Coal—chald., 510.....	8,980 tons.....	57,400
Coffee, green.....	317,560 pounds.....	51,600
roasted.....	15,507 pounds.....	2,407
Cordage and canvass.....	.....	423,700
Cotton, linen, silk, &c.....	13,637 pkgs.....	2,006,400
Cotton warp, &c.....	370 pkgs.....	46,315
Confectionery.....	743 pounds, 606 pks.....	11,671
Drugs, dyestuffs, &c.—pounds, 444,526.....	8,393 pks.....	117,000
patent medicines—60 pounds.....	671 pks.....	13,700
Earthenware, glass, and china.....	200,065 pkgs.....	181,905
Flour, wheat.....	355,358 barrels.....	1,775,700
all other—bags, 555.....	26,943 barrels.....	106,376
Fruit: apples, pears, &c.....	3,312 pkgs.....	17,220
raisins.....	398,536 pounds.....	30,360
other, including nuts—19,500.....	310 pounds, 2,526 pks.....	19,000
Fish: dry fish.....	3,244,578 pounds.....	56,560
herring, alewives—boxes, 10,991.....	88,651 barrels.....	143,000
salmon trout—boxes, 1,591.....	2,130 barrels.....	68,500
mackerel, shad, &c.....	3,900 barrels.....	25,600
shellfish, &c.—bushels, 1,461.....	5,611 pkgs.....	32,800
Groceries—pounds, 5,080; gallons, 12,769.....	11,207 pks.....	66,000
Ginger, pepper, and pimento.....	7,415 pounds.....	1,300
Grain, rice—pounds, 143,537.....	1,994 pks.....	117,700
other than rice—bushels, 209,951.....	342 pks.....	664,307
Hardware: 1st—pounds, 9,235.....	69,568 pcs. and pks.....	473,607
2d—pounds, 1,571,437.....	238,055 pcs. and pks.....	21,600
3d—pounds, 760,630.....	13,312 pkgs.....	65,000
Hats and caps.....	1,003 pkgs.....	64,600
Hides and skins, undressed.....	No. 35,311, 246 pks.....	13,000
India-rubber manufactures.....	632 pkgs.....	61,000
Jewelry, including watches and toys.....	492 pkgs.....	214,000
Leather, manufactured, including furs.....	4,159 pkgs.....	71,700
sole.....	290,791 pounds.....	425,000
Molasses and treacle.....	2,009,345 gallons.....	27,800
Naval stores, including calcium—pounds, 58,658.....	5,506 pks.....	93,700
Oil, rock and coal.....	205,384 gallons.....	42,000
fish.....	62,034 gallons.....	72,000
linseed, &c.—pkgs., 177.....	103,969 gallons.....	67,700
Paper manufactures, including stationery.....	3,133 pkgs.....	114,000
Printed books, &c.....	3,852 pkgs.....	14,000
Paint and putty.....	582 pounds, 1,825 pks.....	92,000
Spirits, brandy, and cordials.....	59,942 gallons.....	65,000
Geneva, and whiskey.....	116,613 gallons.....	132,700
rum.....	292,752 gallons.....	130,000
or strong waters.....	185 gallons.....	78,000
wine—dozens, 3,437.....	90,917 gallons.....	24,000
Sugar, raw.....	13,415,781 pounds.....	74,000
refined.....	795,953 pounds.....	78,000
Salt—pkgs., 1,659.....	1,004,333 bushels.....	17,000
Stone, manufactured—pkg., 1,673.....	1,764,662 No.....	318,000
unmanufactured, including lime—tons, 8.....	276,039 pc., 16,351 pk.....	34,000
Tea, black.....	1,546,075 pounds.....	34,000
green.....	1,183 pounds.....	2,000
Tobacco, viz., leaf—pkgs., 4.....	507,980 pounds.....	2,000
manufactured.....	317,029 pounds.....	2,000
cigars, and snuff.....	508 pkgs.....	12,000
Vegetables—onions—pkgs., 157.....	696,014 pounds.....	12,000

Imports in 1865—Continued.

Articles.	TOTAL IMPORTS.	
	Quantity.	Value.
Vegetables, all other—pkgs., 448.....	155,073 bushels.....	\$52,480
Woodware, manufactured.....	37,505 pkgs.....	131,115
unmanufactured .....	.....	105,138
Unenumerated articles.....	.....	34,523
Do.....	.....	1,585
Do.....	.....	2,443,632
Sundries from warehouse .....	.....	.....
Total .....	.....	14,381,662

II *Exports.*—The value of the total exports of Nova Scotia since 1852 has been—

Year.	Value.	Year.	Value.
1852	\$4,853,900	1859	\$6,889,130
1853	5,393,535	1860	6,619,539
1854	6,238,340	1861	5,774,334
1855	7,361,075	1862	5,646,967
1856	6,864,790	1863	6,546,488
1857, (9 months).....	5,135,940	1864	7,172,817
1858	6,321,490	1865	8,830,693

The countries to which the exports were sent in 1864 and 1865 were—

	1864.	1865.
Great Britain.....	\$330,523	\$764,742
Jersey	20,219	20,017
Canada	330,587	438,191
New Brunswick.....	643,699	477,944
Newfoundland.....	477,455	468,669
Labrador.....	6,316	49,473
Prince Edward's Island.....	255,976	315,950
British West Indies	1,899,031	1,966,459
Dutch West Indies.....	•	1,617
Danish West Indies	644,255	9,069
French West Indies.....		153,275
Spanish West Indies.....		380,894
St. Domingo.....	2,446,770	21,067
United States.....		3,619,797
Brazil.....	26,263	12,000
Montevideo.....	.....	507
Africa.....	2,896	45,690
France.....	.....	2,500
Madeira.....	6,293	8,870
Mexico.....	11,485	14,331
Italy.....	17,883	18,161
Portugal	12,180	9,160
Belgium .....	.....	3,076
Spain.....	15,582	10,280
New Hebrides	855	.....
Mauritius.....	6,346	.....
St. Pierre	17,572	18,884
Total.....	7,172,816	8,830,693

178 RECIPROCAL RELATIONS BETWEEN THE UNITED STATES

III. *Nature of exports.*—The exports consisted chiefly of fish, coal, lumber and West India produce. The values of the principal exports in 1864 and 1865 were—

	1864.	1865.
Fish.....	\$2,946,540	\$3,282,016
Fish oil.....	101,702	194,565
Coal.....	806,314	1,253,650
Lumber.....	880,556	776,034
Sugar.....	279,366	584,753
Molasses.....	254,086	320,600
Horned cattle.....	226,116	201,942
Butter and lard.....	149,823	114,132

IV. *Tonnage inward and outward.*—The tonnage inward and outward in 1865 was—

	Vessels.	Tons.	Crews.
Inward.....	6,834	929,929	49,623
Outward.....	5,681	772,017	40,323

Of the above there were British vessels—

	Vessels.	Tons.	Crews.
Inward.....	4,412	535,666	30,424
Outward.....	5,189	643,704	36,090

PRINCE EDWARD'S ISLAND.

I.—*Imports.* The value of the imports into Prince Edward's Island since 1860 has been—

Year.	Value.	Year.	Value.
1860	\$1,150,270	1863	\$1,467,156
1861	1,049,678	1864	1,689,639
1862	1,056,204	1865	1,905,075

Imports of 1864 and 1865 were, from the following countries—

	1864.	1865.
United Kingdom.....	\$770,767	\$200,655
Canada.....	22,957	36,820
Nova Scotia.....	290,169	350,840
New Brunswick.....	137,933	221,900
Newfoundland.....	15,195	15,555
West Indies.....	33,543	23,960
United States.....	418,303	454,000
St. Pierre	772	1,255
Total.....	1,689,639	1,905,075

The detailed imports for 1865 are not yet made up, but the leading articles imported are dry goods, tea, sugar and cordage.

II. *Exports.*—The exports of Prince Edward’s Island since 1860 have been of the following values :

Year.	Value.
1860	\$1, 007, 171
1861	815, 572
1862	752, 745
1863	1, 047, 363
1864	1, 013, 340
1865	1, 512, 825

These were sent in 1864 and 1865 to the undermentioned countries :

	1864.	1865.
United Kingdom.....	\$185, 463	\$327, 950
Canada.....	2, 936	10, 080
Nova Scotia.....	244, 773	273, 805
New Brunswick.....	93, 458	129, 075
Newfoundland.....	55, 297	72, 295
West Indies.....	38, 501	37, 035
United States.....	387, 213	654, 820
St. Pierre.....	5, 700	7, 765
Total.....	1, 013, 341	1, 512, 825

These values do not include the value of ships sold and transferred, which was, in 1864, \$639,660 ; and in 1865, 118 vessels, 22,700 tons, \$737,750.

III. *Nature of exports.*—The staple exports of Prince Edward’s Island are oats and potatoes. The returns do not show the value of the total exports of particular articles, but a table was published in 1864 giving the following as the quantities exported from 1860 to 1863 :

Year.	Oats, bus.	Barley, bushels.	Potatoes, bushels.	Turnips, bushels.	Oatmeal, tons.	Dry fish, quintals.	Pickled fish, qtls.	Pork and beef, bbls.
1860	1, 290, 062	103, 756	519, 198	45, 108	196	12, 908	14, 972	2, 209
1861	948, 620	48, 411	419, 861	36, 792	235	13, 754	10, 630	2, 048
1862	943, 109	59, 229	327, 964	17, 045	219	6, 931	4, 753	2, 380
1863	1, 459, 130	74, 959	408, 122	9, 893	201	15, 086	7, 570	491

180 RECIPROCAL RELATIONS BETWEEN THE UNITED STATES

IV. *Tonnage inward and outward.*—The tonnage inward and outward at various ports of the island in 1864 and 1865 was—

	Inward.			Outward.		
	Vessels.	Tons.	Crews.	Vessels.	Tons.	Crews.
British	1,411	157,402	7,797	1,483	176,070	7,797
Foreign	47	6,496	401	45	6,486	401
1865	1,458	163,898	8,198	1,528	182,556	8,198
1864	1,266	138,912	6,856	1,334	162,759	6,856

NEWFOUNDLAND.

I. *Imports and exports.*—The imports of Newfoundland in 1865 were of value of \$5,290,602; the exports, of the value of \$5,493,005. The vessels not having yet reached the mainland, we give the table which shows the condition of the trade in 1864:

Countries.	Imports.	Exports.
United Kingdom.....	\$2,276,540 00	\$1,415,000 00
Jersey.....	71,040 00	16,000 00
Canada.....	226,250 00	63,000 00
Nova Scotia.....	509,295 00	108,000 00
New Brunswick.....	12,705 00	5,000 00
Prince Edward's Island.....	44,250 00	6,000 00
British West Indies.....	76,960 00	409,000 00
Malta.....		8,000 00
Hamburg.....	204,895 00	
Spain.....	29,165 00	1,214,000 00
Portugal.....	37,170 00	912,000 00
Italian States.....		194,000 00
Sicily.....	3,450 00	
Sardinia.....	450 00	
Greece.....		8,000 00
United States.....	1,534,255 00	208,000 00
Foreign West Indies.....	300,765 00	208,000 00
Brazil.....		776,000 00
St. Pierre.....	8,120 00	
Total.....	5,335,310 00	5,556,000 00

II. *Nature of trade.*—The imports of Newfoundland are chiefly bread and animal food. In 1864 the imports were—

Of flour, 202,718 barrels, value \$912,230; of bread, 35,778 hundred-weight, value \$136,590; of pork, 26,157 barrels, value \$402,555; of butter, 1 hundred-weight, value \$254,500; besides the usual assortment for a population of consumers only of dry goods, groceries, &c.

The exports were exclusively of fish, and the products of animals living in the water. In 1864 the chief exports of this nature were—

Dry cod, 849,339 quintals, value \$3,977,300; haddock, 1,024 quintals, value \$136,590; herring, pickled, 40,290 barrels, value \$151,085; salmon, 1,251 tierces, value \$46,600; cod oil, 2,253 tierces, value \$568,700; cod oil, refined, 171 tierces, value \$131,900; seal oil, 1,605 tierces, value \$381,235; seal-skins, 125,950 number, value \$94,465.

III. *Tonnage entered and cleared.*—The tonnage entered and cleared at the various ports of Newfoundland in 1864 was—

	Vessels.	Tons.	Crews.
Entered	1, 115	148, 834	8, 627
Cleared.....	941	132, 319	7, 712

[Extract from report of William Smith, esq., Comptroller of New Brunswick.]

Abstract of shipping registered in the province of New Brunswick on December 31st of each year from 1856 to 1865, respectively.

Ports.	1856.		1857.		1858.		1859.		1860.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
Saint John's.....	585	135,713	543	133,669	497	114,457	489	112,420	492	123,425
Miramichi.....	110	16,051	126	18,363	119	14,925	126	13,556	132	14,910
St. Andrew's.....	197	12,462	188	8,476	196	9,713	196	8,079	201	8,748
Total.....	892	164,226	857	160,508	812	139,095	811	134,055	825	147,083

Abstract of shipping registered in the province, &c.—Continued.

Ports.	1861.		1862.		1863.		1864.		1865.	
	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.	No.	Tons.
Saint John's.....	486	137,873	475	135,247	521	174,134	570	185,700	628	203,783
Miramichi.....	120	9,338	132	10,826	140	15,379	145	21,446	146	21,139
St. Andrew's.....	207	11,029	207	11,645	230	22,167	243	26,079	245	24,773
Total.....	813	158,240	814	157,718	891	211,680	958	233,225	1,019	249,695

*ue in dollars of the imports and exports of the province of New Brun-
ck at each of the ports, in the year ending December 31, 1865.*

	Imports.	Exports.
	\$5, 373, 605	\$3, 510, 978
	75, 362	114, 568
	116, 033	103, 749
	17, 416	3, 953
	47, 389	70, 960
	20, 856	42, 056
	139, 086	160, 876
	267, 286	239, 012
	68, 173	155, 696
	769	36, 742
	122, 361	149, 924
	4, 361	.....
ings.....	150	3, 774
	37, 357	10, 184
	17, 996	25, 775
	74, 026	9, 193
h.....	6, 494	171, 597
	4, 966	9, 911
e.....	33, 884	134, 709
en.....	232, 865	84, 996
w's.....	289, 543	359, 479
	32, 969	38, 796
n.....	100, 057	97, 020
	1, 951	778
	1, 312	.....
	328	.....
	7, 086, 595	5, 534, 726
ng.....	£1, 476, 374	£1, 153, 068

*ie in dollars of the imports and exports of the province of New Brun-
from and to each country, in the year ending December 31, 1865.*

	Imports.	Exports.
gdom.....	\$2, 284, 449	\$2, 594, 651
	17, 631	.....
, viz., Bombay.....	.....	2, 189
Morocco.....	.....	4, 993
	247, 374	86, 237
	1, 071, 463	569, 301
ard's Island.....	115, 570	99, 548
nd.....	4, 117	12, 569
	17, 947	25, 953
	940	1, 277
ana.....	.....	2, 697
	3, 064	.....
	94, 439	8, 755
id.....	550	.....
	32, 375	15, 068
	909	9, 326
	3, 070	2, 899
	9, 074	2, 677
	.....	14, 308
es.....	3, 056, 362	1, 737, 208
	.....	7, 910
orto Rico.....	121, 799	300, 528
	2, 019	5, 266

Total value in dollars of the imports and exports, &c.—Continued.

	Imports.	Exports.
Saint Martin's	\$1,295	.....
Saint Pierre Miquelon		\$1,626
Saint Thomas	2,148	4,729
Guadeloupe		1,600
Valparaiso		7,947
Montevideo		12,354
	7,086,595	5,534,726
Sterling	£1,476,374	£1,153,062

The duties in the maritime provinces are generally low—ranging from 3 to 18 per cent.

SHIP-BUILDING.

A first-class ship now costs, per ton—		
At Boston	Currency, \$100 ;	gold. \$75
At Bath	"	\$4 " 63
At St. John's, N. B., about	"	48

The Boston ship, however, is usually finished more expensively than the Bath ship. The Bath ship is worth when built ten to twenty per cent. more than the provincial vessel. The difference is chiefly in the material of the hull. In American vessels, oak takes the place of provincial beech, birch, spruce and hackmatac.

A first-class St. John's ship rates at Lloyds', A1 for seven years. A first-class American ship will rate A1 for ten to twelve years. The American ship is superior in strength and durability, and if duties on iron, cables, sails and rigging are reduced, and we again return to specie, ship-building will revive.

Intelligent merchants estimate the duties on a ship built at this time in the United States, at thirty per cent. on her cost. These duties must be reduced, or we cannot compete with the cheaper vessels of the provinces and north of Europe. Some of our merchants have recently built vessels at Quebec to sail under the British flag.

LUSTRE, OR COMBING WOOL.

During the war, many worsted mills were started in the United States, and supplied with the long wool of Canada, produced by the Cotswold sheep ; very little, if any, of which has been raised in the United States.

We formerly imported worsteds to the amount of nearly \$30,000,000 annually, and it has been computed that we were making nearly half that amount here when the treaty was repealed. The heavy duty now imposed has given a serious check to this important and growing branch of manufactures, and is compelling the new worsted mills to discontinue their business. The duty benefits no one.

Ports.	Shipment for the year 1866.						Shipment for the year 1865.						Shipment for the year 1864.					
	Ships.			Tons.			Ships.			Tons.			Ships.			Tons.		
				Superficial feet of deals and boards.	Tons of pine.	Tons of birch.				Superficial feet of deals and boards.	Tons of pine.	Tons of birch.				Superficial feet of deals and boards.	Tons of pine.	Tons of birch.
To Liverpool.....	106	106,077	73,692,655	13,002	6,090		106	110,172	79,546,000	12,310	4,070		115	114,719	85,307,985			6,072
To London.....	25	20,057	15,454,106				33	29,629	22,131,058		106		12	12,406	9,735,958	7,586		236
To British channel.....	40	21,113	14,712,498	50	1,376		26	16,404	12,319,459		1,103		30	16,805	13,727,687	416		1,039
To east coast.....	12	6,271	3,893,620	685	1,351		9	3,494	1,244,442	1,929	1,040		16	7,046	4,646,135	765		1,679
To Ireland.....	99	47,348	40,058,558	348	565		46	39,467	35,517,933	226	893		82	34,470	30,131,247	516		204
To Clyde.....	23	12,029	7,626,772	2,000	918		26	13,320	7,815,627	3,885	1,516		22	11,857	7,213,003	4,538		1,479
Total.....	305	212,895	156,410,159	17,385	10,900		286	211,886	158,614,519	18,380	8,767		283	197,343	150,762,035	13,821		10,712

Ports.	Shipment for the year 1866.						Shipment for the year 1865.						Shipment for the year 1864.					
	Ships.			Tons.			Ships.			Tons.			Ships.			Tons.		
				M laths.	M palings.	Boards.				M laths.	M palings.	Boards.				M laths.	M palings.	Boards.
To United States.....	423	42,471	28,531,658	2,231	41,009	6,340	378	38,011	32,278,633	2,932	19,419	18,460	177	19,318	11,462,640	5,959	9,614	5,038
To Cuba.....	116	28,965	8,970,941			546,523	86	20,574	6,224,527		37	409,424	46	11,351	3,337,350	11		212,344
To Windward Islands.....	28	4,620	3,782,972		18	972	19	3,365	2,362,484	3	116		38	5,408	3,460,802	26	10	
To Australia.....	1	647	403,782	20	100								22	6,506	4,869,802	31	145	
To Montevideo.....	6	2,431	1,925,970	16			14	6,451	4,803,103	44	222							
To Teneriffe.....	1	166	151,873	6														
Total.....	575	79,360	43,069,196	2,273	41,727	554,091	501	68,401	45,078,807	2,976	19,794	427,893	283	42,643	23,536,104	6,021	9,769	217,382
17,594,000 shingles. 2,551 knees. 6,580 sleepers.													859,000 shingles.					

186 RECIPROCAL RELATIONS BETWEEN THE U. STATES, ETC.

COMMERCE OF BOSTON WITH THE PROVINCES AT THE CLOSE OF 1866

While the imports and exports of this port continue to increase, when compared with those of the corresponding months of 1866, the trade with the maritime provinces continues to decline.

For the quarters ending December 31, 1865 and 1866, the imports and exports at the port of Boston have been as follows, in trade with the maritime provinces, viz :

IMPORTS.

Fourth quarter of 1865	\$1, 357, 302
Fourth quarter of 1866	983, 199
	<hr/>
Decrease, $27\frac{1}{2}$ per cent.	374, 103
	<hr/> <hr/>

EXPORTS.

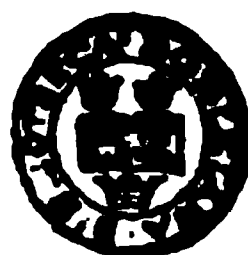
Fourth quarter of 1865	\$991, 653
Fourth quarter of 1866	857, 321
	<hr/>
Decrease, $13\frac{1}{2}$ per cent.	134, 332
	<hr/> <hr/>

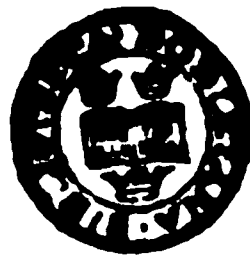
A large part of the exports in 1866 consisted of Canadian flour, in bond. Deducting this, the diminution will be 26 per cent.

If the high duties on provincial wool are continued, a diminution in the import of wool may be anticipated, and its increased cost must add to the cost of our manufactures.

CANADIAN RAILWAYS.

Receipts for 1866	\$10, 968, 963
Receipts for 1865	10, 793, 378
	<hr/>
Increase	175, 585
	<hr/> <hr/>





MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In compliance with a resolution of the Senate of the 19th instant, correspondence between the Department of State and the minister of the United States at Portugal, in reference to his salary.

FEBRUARY 23, 1867.—Read, ordered to lie on the table and be printed.

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 19th instant, a report from the Secretary of State with accompanying documents.

ANDREW JOHNSON.

WASHINGTON, *February 21, 1867.*

DEPARTMENT OF STATE,
Washington, February 21, 1867.

SIR: The Secretary of State, to whom was referred the resolution of the Senate of the 19th instant, requesting the President to communicate to that body, "if in his opinion not inconsistent with the public interests, any correspondence between the Department of State and the minister resident of the United States at Portugal with reference to his salary or compensation; and also to inform the Senate if such minister has received any salary or compensation on account of services in his office since the act of Congress of July twenty-fifth, eighteen hundred and sixty-six, and if so, out of what fund it has been paid," has the honor to lay before the President a copy of the correspondence called for by the resolution, and to report that no salary or compensation on account of services in his office, since the act of Congress of July twenty-fifth, eighteen hundred and sixty-six, has been paid to the minister resident of the United States at Portugal.

Respectfully submitted:

WILLIAM H. SEWARD.

The PRESIDENT.

List of papers.

- No. 388. Mr. Harvey to Mr. Seward, March 31, 1866.
- No. 196. Mr. Seward to Mr. Harvey, April 23, 1866.
- No. 201. Mr. Seward to Mr. Harvey, July 30, 1866.
- No. 404. Mr. Harvey to Mr. Seward, October 1, 1866.
- No. 208. Mr. Seward to Mr. Harvey, December 19, 1866.
- No. 424½. Mr. Harvey to Mr. Seward, January 5, 1867.

Mr. Harvey to Mr. Seward.

No. 388.]

LEGATION OF THE UNITED STATES,
Lisbon, March 31, 1866.

SIR: The state of my health renders it necessary for me to ask a congé for a few months, in order to make a trial of the baths in Germany, as recommended by the physicians here. I do not name a specific period, because the experiment must be controlled by circumstances, now impossible to determine with exactness.

If this discretion be granted, I shall endeavor not to trespass upon the privilege in any way, and should an occasion arise demanding my personal presence, I would feel bound to return to Lisbon without delay, disregarding all personal convenience.

In case this request can be properly allowed, I would beg to suggest that Mr. C. A. Munro, may be named as chargé d'affaires during my absence, as he is familiar with the general course of business in the legation, is competent, and is also fairly entitled to this temporary recognition, for his faithful services.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. W. H. SEWARD, *Secretary of State.*

Mr. Seward to Mr. Harvey.

No. 196.]

DEPARTMENT OF STATE,
Washington, April 23, 1866.

SIR: Your despatches Nos. 387 and 388, dated respectively the 30th and 31st ultimo, have been received, and your proceedings relative to the so-called minister of Mexico at Lisbon are approved.

The request for a few months' leave of absence, which forms the subject of your No. 388, is cheerfully granted, and it is hoped that your health may be benefited by the relaxation, and the course of treatment which has been prescribed by your physicians. The department sees no objection to your charging Mr. Munro with the duties of the legation during your absence, for the performance of which he will be entitled, pursuant to section 11 of the act of August 18, 1856, to the compensation of a secretary of legation.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES E. HARVEY, Esq., &c., &c., *Lisbon.*

Mr. Seward to Mr. Harvey.

No. 201.]

DEPARTMENT OF STATE,
Washington, July 30, 1866.

SIR: I have to inform you that the act of Congress, approved on the 25th instant, entitled "An act making appropriations for the consular and diplomatic expenses of the government for the year ending thirtieth June, eighteen hundred and sixty-seven, and for other purposes," provides in section first that "no money shall be paid to the present minister at Portugal out of any funds whatever on account of further services in his office."

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES E. HARVEY, Esq., &c., &c., *Lisbon.*

Mr. Harvey to Mr. Seward.

No. 404.]

LEGATION OF THE UNITED STATES,

Lisbon, October 1, 1866.

SIR: I have the honor to inform you that I returned to my post yesterday from the leave of absence courteously granted to me by the department, and have this day resumed its regular duties.

After an examination of the affairs of the legation, I have the pleasure to report that Mr. Munro, who was appointed chargé d'affaires in conformity with your instruction No. 196, has faithfully discharged that trust, and kept me regularly advised upon all official matters during my absence, so that there has not been the slightest interruption or delay in the current business. A draft will be made on the department to cover his compensation.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. W. H. SEWARD,
Secretary of State.

Mr. Seward to Mr. Harvey.

No. 208.]

DEPARTMENT OF STATE,

Washington, December 19, 1866.

SIR: Your draft for £82 7s. 2d. has been presented and payment refused in compliance with the act of Congress passed at the last session, which provides that "no money shall be paid to the present minister resident at Portugal out of any funds whatever on account of further services in his office."

Mr. Munro will be entitled to draw for his salary as secretary of legation for the term certified, less the tax.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JAMES E. HARVEY, Esq., &c., &c., *Lisbon.*

[NOTE.—The draft of Mr. Munro, authorized to be drawn by him for his services as chargé in the above instruction, has been presented at the department, but has not yet been paid.]

Mr. Harvey to Mr. Seward.

No. 424½.]

LEGATION OF THE UNITED STATES,

Lisbon, January 5, 1867.

SIR: Upon returning here from the leave of absence granted to me last summer, I paid over to Mr. C. A. Munro the sum of \$398 63, for his services as chargé d'affaires during my absence, as the most convenient way of closing the account to him, and made a draft upon the department to cover the same, accompanied by his receipt. The body of that draft was in these words:

"Ten days after sight please pay to the order of Messrs. Baring Brothers & Co., eighty-two pounds seven shillings and two pence, for services of C. A. Munro, esq., as chargé de'affaires, per instruction No. 196."

This form was adopted to exclude all possibility of misapprehension. The draft in question has now been returned to me protested, with the following remarks by the agent of Messrs. Baring Brothers & Co., at Washington:

"Our notary made the demand for it at maturity, 15th instant, and was answered it would be paid, but since then the department has refused to pay, in consequence of the law passed by Congress that no money should be paid to the present minister resident at Portugal out of any fund whatever, on account of further services in his office. We were informed, however, at the same time, that Mr. Munro's draft would be paid, and we therefore thought it best to return it to you without further delay under protest."

This action upon a draft made for the services of another person, and in no sense for my own services, has placed me in an irksome position, in consequence of the protest by which it was followed, and I deem it proper to submit these facts to notice now, under the belief that it must have originated in a misapprehension.

I have the honor to be, sir, your obedient servant,

JAMES E. HARVEY.

Hon. W. H. SEWARD,

Secretary of State

MESSAGE

OF THE

PRESIDENT OF THE UNITED STATES,

COMMUNICATING,

In compliance with a resolution of the Senate of the 31st ultimo, correspondence between the Department of State and any of the foreign ministers of the United States, with reference to the policy of the President towards the States lately in rebellion.

FEBRUARY 23, 1867.—Read ; ordered to lie on the table and be printed.

To the Senate of the United States :
I transmit to the Senate, in answer to their resolution of the 31st ultimo, a report from the Secretary of State, with accompanying documents.
ANDREW JOHNSON.
WASHINGTON, February 21, 1867.

DEPARTMENT OF STATE,
Washington, February 21, 1867.

The Secretary of State, to whom was referred the resolution of the Senate of the 31st ultimo, requesting the President to communicate to that body, “if in his opinion not incompatible with the public interests, any correspondence between the Department of State and any of the foreign ministers of the United States with reference to the policy of the President towards the States lately in rebellion, and especially any inquiries by the Department of State with regard to the conversation or opinions of such foreign ministers,” has the honor to lay before the President a copy of the papers specified in the accompanying list.
Respectfully submitted:
WILLIAM H. SEWARD,
The PRESIDENT.

List of papers.

Mr. Clay to Mr. Seward.....	Oct.	29, 1865.
Mr. King to Mr. Seward.....	Nov.	18, 1865.
Mr. Sanford to Mr. Seward.....	Nov.	30, 1865.
Mr. Seward to Mr. King.....	Dec.	18, 1865.
Mr. Bigelow to Mr. Seward.....	Dec.	21, 1865.
Mr. Adams to Mr. Seward.....	Dec.	21, 1865.
Mr. Sanford to Mr. Seward.....	Dec.	27, 1865.

Mr. Clay to Mr. Seward	Dec.	28, 1865.
Mr. Seward to Mr. Hale	Dec.	30, 1865.
Mr. Marsh to Mr. Seward	Dec.	31, 1865.
Mr. Morris to Mr. Seward	Jan.	10, 1866.
Mr. Yeaman to Mr. Seward	Jan.	19, 1866.
Mr. King to Mr. Seward	Jan.	20, 1866.
Mr. King to Mr. Seward	Jan.	27, 1866.
Mr. Clay to Mr. Seward	Feb.	7, 1866.
Mr. Clay to Mr. Seward	Feb.	7, 1866.
Mr. King to Mr. Seward	March	2, 1866.
Mr. Clay to Mr. Seward	March	12, 1866.
Mr. Marsh to Mr. Seward	March	19, 1866.
Mr. King to Mr. Seward	April	4, 1866.
Mr. Adams to Mr. Seward	June	21, 1866.
Mr. King to Mr. Seward	June	23, 1866.
Mr. Seward to Mr. Morris	Nov.	21, 1866.
Mr. Seward to Mr. Murphy	Nov.	21, 1866.
Mr. Seward to Mr. Hale	Nov.	21, 1866.
Mr. Seward to Mr. Perry	Nov.	21, 1866.
Mr. Seward to Mr. McMath	Nov.	21, 1866.
Mr. Hale to Mr. Seward	Dec.	11, 1866.
Mr. Murphy to Mr. Seward	Dec.	11, 1866.
Mr. Murphy to Mr. F. W. Seward	Dec.	18, 1866.
Mr. McMath to Mr. Seward	Dec.	19, 1866.
Mr. Perry to Mr. Seward	Dec.	22, 1866.
Mr. Sanford to Mr. Seward	Dec.	24, 1866.
Mr. Morris to Mr. Seward	Dec.	26, 1866.
Mr. Seward to Mr. Hale	Jan.	4, 1866.
Mr. Seward to Mr. Murphy	Jan.	8, 1867.
Mr. Hunter to Mr. Murphy	Jan.	14, 1867.
Mr. Seward to Mr. Sanford	Jan.	17, 1867.

Mr. Clay to Mr. Seward.

No. 91.]

LEGATION OF THE UNITED STATES,

St. Petersburg, Russia, October 29, 1865.

SIR: You will allow me once more, in the dearth of local news from this court, to make a suggestion in reference to the right of suffrage and naturalization in the United States. Amend the national Constitution before the revolted States are readmitted by clauses of the following import:

1. Hereafter the right of naturalization shall belong *exclusively* to the federal government, and the Congress shall pass, from time to time, *uniform* naturalization laws, or deny such right.

2. The right of determining who shall be voters in the States and nation shall belong *exclusively* to Congress; and hereafter all male persons (or female as well) above the age of twenty-one years, without distinction of color or nationality, who can read and write, and no others, shall be entitled to vote for all officers, State and national, &c.

Clauses similar to those would save us from many evils, from disastrous and continual agitation, and perhaps from another civil war.

I beg you to lay this despatch before President Johnson.

I am, sir, truly, your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. King to Mr. Seward.

[Extracts.]

No. 46.]

LEGATION OF THE UNITED STATES AT ROME

November 18, 1865.

SIR: I had the honor yesterday of an interview with the Holy Father, and enjoyed a long and interesting conversation with him about American affairs, as well as the condition of things in Italy and Europe. The Pope had many questions to ask about the progress of events in the United States, and expressed great satisfaction at the return of peace and the reconstruction of the Union. He inquired particularly as to the health of the President, whose life he trusted would be spared, that he might finish the work he had so well begun. He warmly approved the clemency which had been shown to the rebel leaders, and hoped, he said, that Jefferson Davis would also receive the Executive pardon. The most difficult problem, he thought, for the United States to solve was the proper disposition of the negroes; and he seemed to apprehend that we should find the question a troublesome one.

* * * * *

After taking my leave of his Holiness, I paid the customary visit to the cardinal secretary of state, and was received by him with his wonted kindness and courtesy. His eminence, who watches with close attention the progress of events in America, referred with great satisfaction to the reported interview of a delegation from South Carolina with the President of the United States, and to the language used and the sentiments avowed by Mr. Johnson on that occasion. His eminence cordially assented to the justice of the President's views, and expressed his warm and earnest approval of the course pursued by the federal authorities in re-establishing law, order, and civil government among the people of the States so lately in rebellion against the Union. A policy at once so wise and so humane deserved, as it could not fail, he thought, to secure, complete success.

* * * * *

I have the honor to be, very respectfully, your obedient servant,
RUFUS KING.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c.

Mr. Sanford to Mr. Seward.

No. 318.]

LEGATION OF THE UNITED STATES,

Brussels, November 30, 1865.

SIR: I cannot give a better idea of the sentiments generally prevailing here touching the administration of our government than by an extract from a toast given by the Canon de Haerne, a member of the house of representatives, to the minister of the United States, at a dinner at his house on the 28th instant, where the large party assembled was composed of "conservative" members of both houses of Parliament, and of the clergy.

Although the dinner was a private one, the character of the guests present, representing a class which has not been noted for its sympathy for our cause, and the very warm reception given to the sentiments expressed, prompted me to communicate it to you as an interesting indication of the drift of feeling concerning the President and our country, and I accordingly asked permission of my host to do so.

I have the honor to be, with great respect, your most obedient servant,
H. S. SANFORD.

Hon. WILLIAM H. SEWARD, *Secretary of State, &c., &c., &c.*

[Translation.]

* * * To the representative of the great American nation, the envoy of President Johnson—that distinguished statesman, of whom we admire the wisdom, the moderation, as well as Christian, patriotic, and truly liberal sentiments!

Worthy successor of the wise Washington, of Madison, that great promoter of religious liberty, and of Lincoln, that noble victim of the purest patriotism, Mr. Johnson has given a striking proof of those sentiments in the proclamation which he published one month ago, setting apart as a day of national thanksgiving the first Thursday of December, for religious exercises in which all generous and Christian hearts should be associated. In that memorable document the President of the United States renders thanks to the Almighty for the increase of civil liberty. He invites the people to render thanks to the Creator of the universe for the benefits and blessings which they have received at His hands. He recommends the whole people to make a confession of national sins against the infinite goodness of God, and to implore with one heart and spirit the divine guidance to walk in the paths of national virtue and holiness. He resumes these beautiful ideas by a phrase worthy of the greatest men of ancient or modern times, “righteousness exalteth a nation, while sin is a reproach to any people.” Such principles as these are, indeed, the basis of the grandeur and veritable power of a nation. * * *

Mr. Seward to Mr. King.

No. 30.]

DEPARTMENT OF STATE,
Washington, December 18, 1865.

SIR: I have received and have read with very great interest your despatch of November 18, No. 46, in which you give an account of recent interviews between yourself and his Holiness and the cardinal secretary of state. The spirit in which the remarks of his Holiness was conceived cannot be too highly commended, and the sentiments of cordiality and good feeling which were expressed both by him and by his eminence Cardinal Antonelli towards the government and people of the United States, are fully and warmly appreciated.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

RUFUS KING, Esq., &c., &c., &c., Rome.

Mr. Bigelow to Mr. Seward.

No. 228]

LEGATION OF THE UNITED STATES,
Paris, December 21, 1865.

SIR: The message of President Johnson at the opening of Congress has been received here with almost unanimous expressions of approval by the press, notwithstanding the wretched translation in which it was swathed at its birth into the French tongue. A desire to tranquillize the public mind at a moment when news from Washington was expected with great solicitude, no doubt, led many of the organs of public opinion to exaggerate a little the pacific and friendly tenor of the President's language. Every allowance made, however, for such considerations, you cannot fail to remark the unexceptionable tone with which it has been generally greeted. It has placed our government and policy, both foreign and domestic, before the world in an attitude which challenges universal respect.

I enclose extracts from the representative journals of Paris, by which you can judge the spirit of all. My impression is that the passage which refers to our relations with France and Mexico will involve an early change in the relations between those two countries, or else a still graver change in the relations of France with the United States; for, whatever may be the language held by the press upon the subject, it is impossible that the French government should not infer from the President's language that the policy of our government is not only unfavorable to, but inconsistent with, a long continuance of French authority in Mexico.

I am, sir, with great respect, your very obedient servant,

JOHN BIGELOW.

Hon. WILLIAM H. SEWARD, *Secretary of State, &c.*

[From the Constitutionnel of December 17, 1865—Administration.]

[Translation.]

Although we do not yet possess the text of President Johnson's message *in extenso*, the analysis of it, furnished by the telegraph, is sufficient to enable us already to appreciate its general character.

With regard to the European powers, in particular, the thoughts of the Chief Magistrate of the American Union are clearly set forth. Mr. Johnson declares that it shall be his constant aim to maintain peace and friendly relations with foreign nations; and he adds, that he believes those nations to be actuated by a like disposition towards the United States.

The acts of the government at Washington had beforehand confirmed these declarations of the President. Since the close of the war the effective force of the army and navy of the United States has constantly undergone extensive reductions, and no later than yesterday the American news contained the announcement of the discharge of several volunteer regiments from the northern States, and of a decrease of two-thirds in the number of workmen employed in the naval arsenals. These measures constituted in themselves an emphatic denial to the assertions of certain American journals, who have at all times made a trade of exciting public curiosity by means of sensation rumors. The language of the President, therefore, is but the official expression of a thought already manifested in acts.

Mr. Johnson has, moreover, seen fit to lay down, with regard to foreign nations, a rule to which none of the enlightened governments of Europe will refuse to subscribe. He has declared, as did most of his predecessors, his purpose of maintaining the traditional policy of the United States, consisting in non-interference in the internal affairs of European nations, and demands that on their part European nations shall observe a similar conduct towards the American Union. He adds: "We should regard it as a great calamity to ourselves, to the cause of good government, and to the peace of the world, should any European power challenge the American people to the defence of republicanism against foreign interference." This passage was doubtless written with the sole object of giving some satisfaction to that over-excited portion of the American public who derive their political views from the newspapers above referred to. We would seek in vain, indeed, to discover which of the nations of Europe can ever have conceived the thought of interfering in the internal affairs of the United States. We know of none against which American citizens may one day be called upon to defend their institutions.

The President's message could not remain silent on the discussion created *between England and the United States* by the arming of vessels of English

origin, which, after leaving English ports, hoisted the confederate flag and inflicted serious damage upon the commerce of the United States. The President surrenders none of the claims set up by the cabinet at Washington on this point, but wisely contents himself with propounding a question of general interest, the solution of which he claims would be of importance for all nations. He acknowledges, moreover, that England entertains but kindly dispositions towards the United States, and declares to be himself actuated by a sincere desire to maintain peace between the two countries.

So far as the telegraphic analysis enables us to judge, the message of the President of the United States contains, therefore, none but the most reassuring declarations concerning the continuation of friendly relations between the great republic of the New World and the European powers. We shall soon have occasion to study this message in view of its internal policy, and of what is conventionally called in America *reconstruction*, viz: the position of the late Confederate States towards the States which have victoriously upheld the cause of the Union.

H. MARIE MARTIN.

[From the Journal des Debats of December 18, 1865—Orleanists.]

[Translation.]

The history of the United States since the civil war, and in consequence of that war, is destined to become more and more mixed up with that of Europe. The same force which has saved the Union has the power to make her expand by the unavoidable progress of its action and of its influence abroad. Before the war, no one would have dared to question the agricultural, commercial, and industrial prosperity in store for the American Union. Since the war, a still more important field appears to open before the nation of which M. de Montalembert said recently, "the American federation is, henceforth, replaced among the great powers of the world; all eyes will henceforth turn to it; all minds will be taught by the light of its future, for that future shall be more or less our own, and its destiny will perhaps decide ours."*

Let us not go so far. The rivalry of influence and the reciprocity of action between the American Union and Europe are not a new thing. On neither side have they yet assumed the character of a propagand. America has not sought to affect the customs or laws of Europe, neither has Europe attempted to weigh upon the institutions of America. The famous declaration of President Monroe, whose true date (1823) has recently been restored to it by Mr. John Lemoine, who also determined its meaning, was a purely defensive declaration, intended to assign a limit to the attempts at legitimist restoration, then being carried out upon Spanish soil. To restore the divine right upon the throne of Spain was, of itself, a heavy undertaking; to restore it in Peru or Chili with the aid of French vessels was a pretension which no one would have thought of. President Monroe, nevertheless, laid down, in opposing visionary events, an international doctrine full of vitality.

France has always pretended to act abroad through the influence of her ideas and of her customs; this is right. The genius of France inclines to proselytism; it is generous, expansive, often disinterested. But in the present state of the world the door is everywhere open to liberal ideas, and contrary views obtain access but by force. The Americans of the north are the greatest producers of liberal ideas in the world, and therefore, in the noble interchange of them which is going on among nations, America seems called to a superiority which it will

* La Victoire du Nord aux Etats Unis, by Count de Montalembert.

be easier to balance than to oppose. The generous emulation of liberty will do more towards it than overt force.

Those who, like us, bend under the weight of nearly the whole of the waning century, have but few lessons to receive from the American Union. What could they do with them? After being a sincere monarchist all through life, one remains so. It is too late to change one's ideas. Constitutional monarchy, when one has placed in it one's confidence and faith, is, moreover, a great enough progress compared with the government by divine right, to permit one not to wish for more. There is, therefore, a whole generation whose political opinions remain uninfluenced by the spectacle of the triumph of the republican principle in the United States, but beware of the influence of such an example upon the generations which follow us; beware, especially, of its influence upon the masses, animated and sustained in their forward march towards the future by the stimulus of equality; a rail-splitter, as they say in speaking of Lincoln—a self-made man, who from being an obscure lawyer in Illinois, became a representative of his country, then President of the Union, *i. e.*, supreme chief of the executive power of the most powerful republic of the world. And once upon this summit, in the midst of the most formidable dangers, losing neither his coolness nor his foresight, nor his respect for legal restraints; preserving in spite of all attacks his stoical good temper and his resolute philanthropy; carrying on a desperate war upon an immense scale, improvising armies provided with inexhaustible resources, and commanded by generals whose names are now among the greatest in the world. What a sight, even though death has by a felon's hand added to it its sting.

[From the *Siecle* of Tuesday, December 19, 1865—Democratic.]

[Translation.]

Another discourse was not less impatiently looked for than that of the King of Belgium—we mean the message of the President of the United States. This document is usually very long. We hasten to the part of it which interests us the most—that relating to foreign affairs.

After referring to the good state of the relations subsisting between the American government and other powers, the message declares that since its foundation the republic of the United States has made it a rule not to interfere in the revolutions of which Europe was the theatre, and to follow the advice of Washington, “to commend the republic only by the careful preservation and wise use of its benefits.” By their own moderation the United States have a right to expect that we should respond by a similar moderation. They will not deviate from the path which they have followed, unless they are forced to do so by the aggression of European powers. They count upon the wisdom and justice of these powers to respect the system of non-intervention, which during so long a period was sanctioned by time, and which, owing to its happy results, was approved on both continents.

This reciprocity, in truth, constituted the entire Monroe doctrine.

There is a passage in this part of the message which we will take pains to illustrate. It is that in which President Johnson—using a language which no one will think exaggerated—praises the results of American institutions:

“Here is the great land of free labor, where industry is blessed with unexampled rewards, and the bread of the workingman is sweetened by the consciousness that the cause of the country is his own cause, his own safety, his own dignity. Here every one enjoys the free use of his faculties, and the choice of activity as a natural right. Here, under the combined influence of a fruitful soil, genial climes, and happy institutions, population has increased fifteen-fold

within a century. Here, through the easy development of boundless resources, wealth has increased with twofold greater rapidity than numbers, so that we have become secure against the financial vicissitudes of other countries, and alike in business and in opinion are self-centred and truly independent. Here, more and more care is given to provide education for every one born on our soil. Here religion, relieved from political connection with the civil government, refuses to subserve the craft of statesmen, and becomes in its independence the spiritual life of the people. Here toleration is extended to every opinion in the quiet certainty that truth needs only a fair field to secure the victory. Here the human mind goes forth unshackled in the pursuit of science to collect stores of knowledge, and acquire an ever-increasing mastery over the forces of nature. Here the national domain is offered and held in millions of separate freeholds, so that our fellow-citizens, beyond the occupants of any other part of the earth, constitute, in reality, a people. Here exists the democratic form of government, and that form of government, by the confession of European statesmen, gives a power of which no other form is capable, because it incorporates every man with the state, and arouses everything that belongs to the soul."

Why should we be astonished if the American people be faithful to their institutions, and declare themselves willing to make every sacrifice to maintain them? This sentiment has no need of the the name of any man; it is known throughout all time, and is everywhere called by the same word, patriotism.

[From the *Epoque*, 19th December, 1835—Liberal.]

The message of President Johnson to the Congress of the United States is to-day entirely known. Notwithstanding a translation hastily made, and in certain parts confused as by design, the Havas agency has enabled France to read and to consider this long dissertation, in which the successor of Abraham Lincoln gives proof of the highest qualities of the statesman, and the grandest virtues of the citizen. If we may judge by what we have felt in reading this document, great must have been the emotion of the members of Congress, assembled for the first time since the end of the rebellion, when they heard the words of the President. There are, indeed, ideas which can only be born and strengthened in certain lands, where liberty, so to speak, forms a part of the common air, and the members of Congress must have been justly proud at the thought that they lived in a medium so privileged.

What is especially striking in the message of Mr. Johnson is the contrast between the President, as he appears to us, and the man of whom so repulsive a portrait was but recently drawn by certain sheets. We were shown a sort of demagogue, thirsting for absolute power, eager for vengeance, ready to plunge his country into all adventures; and now we see a citizen bearing, without seeming to bend beneath the weight, the burden of a fearful responsibility, having accepted resolutely the heritage of Abraham Lincoln, and coming freely before the representatives of a free people to render an account of his stewardship.

He has but one ruling thought, which may seem strange in Europe, after having in less than one year restored the Union, reduced the war estimates from five hundred and sixteen millions of dollars to thirty-three millions, diminished in an equivalent proportion the navy estimates, provided for the extinguishment in thirty years of the public debt, amounting to \$2,740,854,754, taken measures to withdraw rapidly from circulation the paper money; in one word, after having rendered immense services to the republic, he thinks of but one thing—to show that the honor of all these reforms is due to the law, which he has always respected.

The law and the Constitution. There is the proper, the just, the sovereign

remedy. Four days before the opening of Congress, Mr. Johnson had restored almost everywhere the *habeas corpus*; and yet, as stated by a New York journal, one would scarcely have imagined that this guarantee was suspended. But it was still too much to have in possession an arbitrary instrument, even when no use was made of it, for Mr. Johnson thinks, with the journal already quoted, "a free government is not defined by saying it is one which commits no act of tyranny. To complete the definition, it must be added that it is one under which tyranny is impossible."

The presidential message comprises three principal points of great interest for us. These treat of the reconstruction of the south, of the negro question, and of the foreign question.

In the first of these questions Mr. Johnson maintains that those States included among the States that entered into secession were not in fact in rebellion as States, as, from the very first, the acts of secession of the States had been by the terms of the Constitution declared null and void. They should hence be considered as acts engaging only the responsibility of the individuals who had committed them. This theory, which takes up and resolves one of the most important questions of American constitutional law, explains why, as a skilful politician, Mr. Johnson has not wished to subject longer to the military rule the insurgent portions of the United States.

According to him the military governments established in the States could only increase the discontent of former rebels, divide the people into conquerors and conquered, create a fatal precedent, be a source of ruinous expense to the Union, and, finally, arrest emigration towards the south, upon which the President greatly relies to heal the wounds of civil war; "for," says he, perhaps doing us too much honor, "what emigrant from abroad, what industrious citizen at home, would place himself willingly under military rule?"

He has, therefore, sought to reorganize the States on a constitutional basis, causing them to enjoy at once and anew the benefits assured by the Union. He recognizes that this policy is not without danger, as it implies the acquiescence of the States concerned, and the taking of a new oath of allegiance to the Union on the part of those States; but between two evils he has chosen that which may spring from the generosity of the conqueror. He expects, however, that the States shall give a pledge to the Union in consenting to ratify the project of amendment to the Constitution, which provides for the final abolition of slavery. He makes it known that the past can only be forgotten at that price.

The part of the message relative to the relations to be established between the freed blacks and the central government is not inspired by less sagacity and less respect for law. If by his words Mr. Johnson has indeed shown that he was favorable to the project of making electors of the freedmen, he has not been willing to violate the Constitution, and concede, by a presidential act, the electoral right to men of color. The Constitution prescribes that each State shall be the sovereign dispenser of its rights of suffrage; and it is only little by little, it must be remembered, that universal suffrage has become almost the general rule. It belongs, therefore, to each State, according to him, to resolve this question; and he hopes that this method will hasten the period of equality more than the intervention of the central government would do.

On this point, while rendering justice to the motives which have dictated the words of the President, and while approving his scruples, we cannot but form a wish. We hope that Congress, all powerful in this matter, should do what the President has done well in not imposing. Two means, entirely constitutional, present themselves, in fact, for the attainment of the proposed end. 1st. Congress can amend the Constitution, and without occupying itself with the organic laws of each State, can declare, by a vote, that no State can introduce into its laws distinctions based on race and color. 2d. It can refuse admission (under

article four of the Constitution, which obliges the States to have a republican form of government) to the senators and representatives of those States which shall not, in their new Constitutions, have recognized the equality of the races; for if, in former times, the word "republic" has been coupled with the word "slavery," this monstrous confusion of terms is impossible to-day.

After the exposé of the domestic situation which we have been only able briefly to resume, Mr. Johnson passes to the foreign question; and it is somewhat surprising to see him, by a trait of humor peculiar to the genius of American politicians, commence by congratulating himself upon the friendly relations entertained between the United States with the Emperor of China. After the Son of Heaven came the Czar and the Emperor of Brazil. These are friends. As to England, the message does not conceal the fact that in recognizing the insurgents as belligerents, in furnishing to the rebellion vessels constructed in English ports, manned by English seamen, she has given occasion for serious complaints, further aggravated by her refusal to submit this question to international arbitration. The government of Washington, however, is not in pursuit of pecuniary reparation. It wishes to have discussed by a tribunal of nations the grave questions of the rights of neutrals. The message, however, does not counsel to Congress any demand for satisfaction; it limits itself to warning England that in future "the friendship between the two nations must repose upon the basis of mutual justice."

If the English journals have appeared satisfied with this part of the message, as the semi-official journals declare themselves no less delighted with the reserve of Mr. Johnson in what concerns France and Mexico, we are less disposed, for our own part, to such rejoicing.

The message, for any one who can read, is a declaration very clear, very firm, although very moderate, of the will of the government of the United States to maintain its traditional policy—in other words, to sustain the Monroe doctrine. The translation given by the Havas agency contains in this part a mistake so much the more to be regretted as it is of a nature to prevent the public opinion from being rightly informed. Thus this agency makes the President say that he would regard it as a calamity for the peace of the world "that any European power should throw the glove to the American people, as if for the defence of republicanism against foreign intervention," which signifies nothing at all; while the text reads, "should any European power challenge the American people, as it were, to the defence of republicanism against foreign interference." The formal reserves made by President Johnson take from this declaration little of its gravity.

This is not the language of a man who wishes to satisfy rancors and achieve an easy popularity by flattering the bad instincts of national vanity. It is the grave and reserved utterance of the most authoritative representative of a people who wish not to embroil themselves heedlessly, but who are resolved not to see compromised, in any case, a liberty so well conquered, so dearly preserved, and to which it owes its happiness and strength.

H. PENARD.

[From the Gazette de France, December 21—Legitimist.]

[Translation.]

The message of President Johnson begins with these words: "My first duty is to express, in the name of the people, my gratitude to God for the preservation of the United States."

This is a public prayer. It is a profession of religious faith in the power of God over earthly things. Atheists, free-thinkers, and doctrinaires of moral

independence may say what they will on the usefulness of the people acknowledging a Supreme Being, just and good. This public acknowledgment by the head of a great people is of a nature to make a vivid impression on the mind of those to whom it is addressed, despite their railleries. There is no more imposing spectacle than that of a sovereign bowing before the Majesty of God in the name of the entire people.

The chief of the republic of the United States did not believe himself guilty of a childish credulity in speaking as he did. On the contrary, he was convinced that he showed proofs of manliness of spirit in referring to the "intervention of Providence in human affairs." That which has frequently misled Europe in the predictions which she has formed of American affairs is, that in order to judge of the progress of events she does not take into account the religious sentiment which animates the American people.

It was for this reason that so many in France believed that the reaction against the conquered would be followed up with an implacable and bloody spirit, and that liberty would succumb in the infinite calamity of civil war. The Americans possess passions more intense, perhaps, than ours, but they are certainly of a different kind.

In Europe the first movement of states, after a similar crisis, had been to constitute what is called a strong power, to surround it with all suitable material means to render it formidable, terrible. In the United States, the first duty of the head of the republic, who is called to the head of affairs by an odious assassination, was to reduce all the appurtenances of material force to their simplest expression, to re-establish the universal laws of liberty, to cause to disappear every symbol which would recall the existence of arbitrary rule in the minds of the people. What the President fears above all is, that the principles of liberty, upon which the Constitution rests, be undermined in the future. He vehemently recalls to mind the farewell which the Father of his Country gave to the people of the United States, when he was yet President, "the free Constitution, which was the one work of the nation, must be maintained inviolate and sacred." He saw in the maintenance of a strong army danger; he reduced it to 50,000 men. "Military governments," he says, "established for an indefinite period, would have offered no security for the early suppression of discontent; would have divided the people into vanquishers and the vanquished, and would have envenomed hatred, rather than restored affection. Once established, no precise limit to their continuance was conceivable."

"The wilful use of such powers, if continued through a period of years, would have endangered the purity of the general administration and the liberties of the States which remained loyal. Besides, the policy of military rule over a conquered territory would have implied that the States, whose inhabitants may have taken part in the rebellion, had by the act of those inhabitants ceased to exist."

"But if any State neglects or refuses to perform its offices, there is the more need that the general government should maintain all its authority, and, as soon as practicable, resume the exercise of all its functions. On this principle I have acted, and have gradually and quietly, and by almost imperceptible steps, sought to restore the rightful energy of the general government and of the States."

We see the President fears but one thing: it is, that the civic life be weakened, that the mind of the people, under the influence of excess of confidence caused by victories, should assign to the army a power which does not belong to it in a free country.

To reanimate the civic virtues and the energy of local governments, such is the work which the President of the United States assumes. And he presents this noble undertaking, very naturally, as the only means to revive prosperity in the republic. He believes in the efficacy of liberty as a safeguard to order

in a nation of freemen, just as he believes in God and the interposition of Providence in human affairs.

This is the striking character of this document, and it is most remarkable in that respect. Now, indeed, when the theory of right as the basis of order and progress are in such favor, it is interesting to reflect upon this noble defence of the contrary theory, and to carefully notice that these are not mere words, but that it is a man struggling with real facts, and in the face of one of the most formidable of political and social crises, who says that liberty is the best foundation for order, and asserts, that when states lose that faith, it is the duty of their chiefs to try to revive their energies.

GUSTAVE JANICOT.

[From *Le Monde*, December 19, 1865—*Ultramontane*.]

President Johnson has treated at length the domestic question of the United States. The three serious points of this question are, the seceding States, the negroes, the finances. The seceding or rebel States have been received to pardon. It seems even that the intentions of the President were friendly. In his message he allows the partisans of the south to re-enter the Union, with all their rights; he details the inconveniences of perpetual military rule in a certain number of States; he prefers, in replacing these States under the law, to open the door to emigration, and thus to substitute successively free labor to slave labor. This passage of the message is a seductive appeal to emigration towards the southern States. It is to be regretted that in practice the southern people have not been treated so well as in words; the representatives of these States have not been admitted to Congress. The division which the President desires to obliterate by the exercise of his sovereign right of pardon exists in its entirety. Mr. Johnson may talk in vain of the Americans being brothers: they are divided into conquerors and conquered.

The blacks, on their side, are the object of the philanthropic theories of the President—theories which have scarcely any echoes in reality. We can hardly recognize in those famished gangs, wandering on the highways—in these houseless beggars whom our correspondents describe—free citizens of free America. One is led to doubt whether the dream of Mr. Johnson will ever be realized, when we see the contempt in which these proud republicans hold the African race. Free labor is not organized; empirical or radical projects gain favor—such as the expulsion of the blacks, their colonization, &c. The President is evidently disquieted by this question. It may be the cause of painful troubles; it may, by requiring severe measures, take from the United States a portion of their philanthropic prestige. In connection with this question the President makes an admission which is confirmed by a remark made by him in speaking of the finances. The southern States were, under the old arrangements, closed to northern emigrants; free labor found no access there; commercial transactions were greatly hampered. The northern States long before the war coveted these rich countries; they wished to farm them, as it were, for the benefit of their industrial properties; they intended to profit by that wealth, both to increase their revenues and to increase their markets. Slavery has been the flag that covered this traffic.

We will resume, in passing, the financial situation of the United States—a debt of two billions and a half of dollars (12,500,000,000 fr.); regular taxes; an organization of the debt so as to pay it in thirty years; a permanent army of 84,000 men, of whom 32,000 form a reserve; a fleet greatly increased; important naval constructions; a part of their territory held as unsafe—a part of the population deprived of its franchises and public charges—this is the general aspect. In what, let us ask, is this situation an enviable one? It is not like

our old communities; still less is it free America. Debts, taxes, army privilege, internal dissensions—in spite of the cheerful tone of the President, there is more than one cloud upon the starry heaven that forms the banner of the Union.

The President has brought the same tone of moderation to the treatment of the foreign question.

This question has two objectives—England and France—*i. e.*, the recognition of the belligerents and the Mexican expedition. On this last point the President says little—so little that it is disquieting. The generalities which he expresses are, in our opinion, an evident proof that there is something going on at Washington or Paris relative to the Mexican question. One does not speak so briefly of an expedition which operates at your very door, contrary to your proclaimed principles, unless there is something under the cards which it is desirable to hide.

The President is more explicit in regard to England, without being more threatening. He affects a still calmer tone, if possible, and contents himself with a sort of statement of facts. These facts, it is true, constitute, according to the interpretation of Mr. Johnson, a violation of neutrality. England, it is also true, has refused to bring them before an international commission. The President regrets this, but he does not hence conclude that good relations should cease between the two powers. For the rest, has Mr. Johnson a good right to demand to-day the assembling of an international commission to consider questions of the law of nations, when the United States have always hitherto claimed to hold themselves aloof from what Europe was doing in that sense? If our memory is exact, such was their attitude at the time of the Congress of Paris, when the rights of neutrals were regulated.

The resumé of the exposition of the foreign attitude of the United States seems to us to be this:

The hour of action has not arrived.

H. VRIGNAULT.

Mr. Adams to Mr. Seward.

No. 1111.]

LEGATION OF THE UNITED STATES,

London, December 21, 1865.

SIR: I have to acknowledge the reception of despatches from the department numbered from 1611 to 1615, inclusive, and likewise two printed copies of the military order of the 24th of November, 1865, in relation to the rewards offered for the arrest of certain persons.

The same steamer which brought these despatches furnished to the public copies of the President's annual message of the report of the Secretary of the Treasury, and of other papers, emanating from the executive department. The general effect produced by these publications has been most favorable. There is but one voice in regard to the dignity and comprehensiveness of the message. The effect of the treasury report has been felt in a sudden rise in the value of the government bonds, both in Germany and in this country. All this is a source of much exultation to those of us who have had the fortune to represent the country among the malevolent classes abroad, independently of the purer gratification we derive from a confirmation of our trust in the patriotic and wise direction of affairs through which we may soon hope for a re-establishment of the nation on a footing even more elevated than it has reached at any former time.

Although, perhaps, it may be deemed a work of supererogation, I cannot withhold the expression of my own hearty concurrence in the views taken by the

President, not less of the financial and constitutional than of the diplomatic questions, which it has been his duty at this critical moment to present to the country.

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

HON. WILLIAM SEWARD,

Secretary of State, Washington, D. C.

Mr. Sanford to Mr. Seward.

No. 329.]

LEGATION OF THE UNITED STATES,

Brussels, December 27, 1865.

SIR: The message of the President, received by me to-day from the department, has been before the public for a week past from the English journals.

In so far as my observation extends the sentiment here is unanimous in praise of that able, enlightened, and patriotic document, and of the moderation which characterizes the restoration of the authority of the Union over those lately in rebellion.

I have the honor to be, with great respect, your most obedient servant,

H. J. SANFORD.

HON. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Clay to Mr. Seward.

No. 98.]

LEGATION OF THE UNITED STATES,

St. Petersburg, Russia, December 28, 1865.

SIR: The President's message has been now received for some days. It was anxiously looked for in all Europe, and has been read with general satisfaction. Under the apprehension of possible war with France and England, United States stocks had declined at least ten per cent. from the highest point reached since the war was closed. But now, under the pacific tone of the message and the indorsement of the able financial views of Secretary McCulloch, which had been already made known in his Fort Wayne speech, American bonds are having a rapid and steady rise; and if Congress shall sustain by legislation the views of the message, our stocks will at no distance ascend to or above par.

When the resources of a state are derived from fully developed realities and industries, a foreign debt, more especially when it is based upon unproductive loans, by exhausting the precious metals, is ruinous to a state. But it is different with us. With new and fertile lands, with vast mines and valuable staples, which may be indefinitely produced and sold at great profits, we can well afford to borrow money at an interest which would be ruinous to older countries. A sound financial policy, then, such as that sustained by the President and the Secretary of the Treasury, by a general restoration of the specie basis, and a sure redemption of the funded debt in a reasonable time, will not only establish a safe foundation for home industry, but give us immense credit abroad, which will thus afford us all the reproductive capital we shall so much need.

The foreign relations of the United States are regarded as ably sustained, and it is thought that we can maintain amicable, or at least neutral, relations with all our rivals, without a permanent sacrifice of the Monroe doctrine or our honor. And, although it is not my province to criticise the President's acts or opinions,

I must say that he has shown great ability in the laying down the ground of his foreign policy, and which you had already initiated.

Having previously taken the liberty of saying a few words upon the all-important subjects of naturalization and suffrage, I venture only to say that it seems the President has gone the full length of his executive powers in the liberal direction; and if more is necessary to be done, it remains with Congress and the States to perfect what he has satisfactorily begun.

Your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Seward to Mr. Hale.

No. 15.]

DEPARTMENT OF STATE,
Washington, December 30, 1865.

SIR: I transmit to you a copy of letters of the 18th instant, which, by direction of the President, were addressed respectively to the provisional governor and governor elect of the State of Alabama. Similar letters have been addressed to the provisional governors and governors elect of the States of Georgia, South Carolina, North Carolina, and Mississippi, from which you will see that civil authority has been restored in those States, and that they are recognized as members of the Union.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN P. HALE, Esq., &c., &c., *Madrid.*

Mr. Marsh to Mr. Seward.

[Extract.]

No. 130.]

LEGATION OF THE UNITED STATES,
Florence, December 31, 1865.

SIR: Pursuant to usage at this court the chiefs of the legations residing at Florence were separately received by the King this morning. His Majesty spoke with evident interest of American affairs, and desired me to express to my government his congratulations, which I have no doubt are sincere, on the favorable result of our great intestine struggle, and his hopes that all remaining obstructions to the reorganization of the Union may be surmounted, and that the United States may enjoy a long period of uninterrupted peace and prosperity.

* * * * *

I beg to be permitted to offer to the President and yourself my sincere congratulations on the prospects of the complete success of your efforts to carry the country safely through the critical process of reorganization—perhaps the most difficult task imposed upon the government by the rebellion—and my best wishes for your future public and private prosperity.

I am, sir, most respectfully, your obedient servant,

GEORGE P. MARSH.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Morris to Mr. Seward.

No. 140.]

LEGATION OF THE UNITED STATES,
Constantinople, January 10, 1866.

SIR: I have the honor to acknowledge the receipt of pamphlet copies of the President's annual message. It gives me great gratification to state that among my colleagues of the diplomatic corps this document has elicited the warmest expressions of approbation. It is particularly admired for its elevated and dignified tone of sentiment—the wisdom and discretion with which both domestic and foreign affairs are discussed, and for the masterly style in which the effect of our institutions upon the prosperity and power of the American people is portrayed.

Upon the public at large, the facts so skilfully arrayed touching the late civil war—the patriotic support given to the government by the people—the immense sums of money contributed by the nation—the great army and fleet, and the quiet disbandment of the one, and the reduction of the other, and the splendid summary in conclusion, of the effect of liberty in the United States, all together have produced an impression of wonder and respect for the virtues of the people, the power of the government, and the results of free institutions in the United States.

The cause of political progress will, I am sure, be signally promoted in Europe by this most important state paper.

I am, sir, with great respect, your obedient servant,

E. JOY MORRIS.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Yeaman to Mr. Seward.

No. 7.]

LEGATION OF THE UNITED STATES,
Copenhagen, January 19, 1866.

SIR: Your despatch of the 30th of December, 1865, (No. 5.) is received, announcing your receipt of my despatch of the 11th of December, (No. 3.) I have also the enclosure of your official announcement of the 18th of December, 1865, of the adoption of the proposed constitutional amendment abolishing slavery in the United States. This is extremely gratifying, and adds to our consideration abroad, because it is now observed that this great change is not an accident of war, but a great and solemn act of legislation. All can appreciate it as a great national fiat; but the meagreness of the information about our institutions is shown by the fact that some here cannot appreciate how it was necessary for the States to pass upon it after Congress had acted, while others are a little surprised that it should be held to abolish slavery in States refusing to ratify it.

I have also, by same mail, your despatch of December 30, 1865. (No. 6.) enclosing a copy of the letters you have addressed, by order of the President, to the provisional governors and governors elect of Alabama, Georgia, South Carolina, North Carolina, and Mississippi, showing "that civil authority has been restored in the States, and that they are recognized as members of the Union" These steps have been observed with interest here, and I have been asked in official circles if the result is to relieve those States entirely of military governments; to which I have replied that it does, and recognizes the establishment of civil government in those States; but that the general government has not

entirely withdrawn its troops, keeping sufficient garrisons to preserve order where it may be necessary, and which may have been done before the war.

The one thing connected with the restoration of peace in the United States which strikes Europeans with most astonishment is the promptness and cheerfulness with which the soldiers of our national volunteer army have returned to the ordinary avocations of private life. This is everywhere commented on, wondered at, and admired. Men who seem incapable of comprehending our institutions comprehend that as a fact, and the fact makes an impression very much in our favor.

I am, sir, your obedient servant,

GEORGE H. YEAMAN.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.



Mr. King to Mr. Seward.

[Extracts.]

No. 48.]

LEGATION OF THE UNITED STATES AT ROME,

January 20, 1866.

SIR: I beg to acknowledge the receipt of despatch No. 30, from the State Department, dated Washington, December 18, 1865, in reply to mine (No. 46) of November 18, giving an account of recent interviews with his holiness and with the cardinal secretary of state. I am glad to know that the sentiments expressed by the Pope and Cardinal Antonelli in reference to affairs in the United States, as detailed in that despatch, are so fully appreciated at Washington, and I thought it well to apprise his eminence the cardinal of the fact. I therefore availed myself of the opportunity afforded by an official call a few days since to read your despatch to Cardinal Antonelli and leave with him a copy of the same in Italian. His eminence was much gratified with the spirit as well as the language of the despatch and thanked me warmly for the copy which I presented to him. We conversed some time about affairs in the United States, the cardinal repeatedly referring to the satisfactory progress now making towards the restoration of harmony and the reconstruction of the Union.

* * * * *

Having a few spare copies of the reports of Secretary Stanton and Lieutenant General Grant, I have within the past week presented them to several members of the diplomatic corps in Rome, and among others to the French ambassador, Count Sartiges, and to Baron Meyendorff, the Russian chargé. Both these gentlemen have returned their acknowledgments for these interesting documents, and have spoken to me in enthusiastic terms of the wonderful story they tell, and the remarkable ability they display.

I have the honor to be, with great respect, your obedient servant,

RUFUS KING.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. King to Mr. Seward.

[Extract.]

No. 49.]

LEGATION OF THE UNITED STATES AT ROME,

January 27, 1866.

SIR: I have the honor to acknowledge the receipt of despatch No. 31 from the State Department, transmitting copies of letters to the provisional governor

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and governor elect of Alabama, announcing the restoration of civil authority in that State as well as in the States of Georgia, South Carolina, North Carolina, and Mississippi, and their recognition as members of the Union. I have also received the proclamation of the Secretary of State, conveying the gratifying information that the amendment to the federal Constitution, abolishing slavery within the United States, and all places subject to their jurisdiction, has been adopted by the requisite majority of three-fourths of all the States, and has, therefore, become valid to all intents and purposes as part of said Constitution. I beg leave to tender my congratulations to the President and his cabinet upon this happy issue out of our national difficulties, and especially to the Secretary of State upon the proud privilege of affixing his signature and seal to the memorable document proclaiming liberty throughout all the land unto all the inhabitants thereof.

The most interesting event since my last despatch is the speech of the Emperor Louis Napoleon, at the opening of the French legislative chambers. His allusion to the Italian question is generally construed as favorable to the papal authority. while the intimation that he is preparing to withdraw the French troops from Mexico, and the friendly language used towards the United States, are received with marked satisfaction by all who desire to see peace preserved between two ancient allies.

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I am, sir, with great respect, your obedient servant,

RUFUS KING.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Clay to Mr. Seward.

No. 100.]

LEGATION OF THE UNITED STATES.
St. Petersburg, Russia, February 7, 1866.

SIR: Your despatch, No. 183, enclosing your letters to the governor elect and to the provisional governor of Alabama, is received, and they have all been read with great pleasure.

While no one would have been more pleased than myself to see the question of negro and all other suffrage finally settled, I am forced to believe that the President is following a legitimate and necessary policy, in allowing the return of the rebel States into the Union so soon as they purge themselves of treason. I have always held, as you know, that rebellion could not destroy a State except by successful revolution, and armed force being suppressed, the original *status quo* revives.

I claim to have conceived and expressed this idea by the dictum, that "if one loyal citizen remained, he is the State." The Union once restored, we may safely leave subordinate issues to time and to the good sense of the American people. Trusting that the President may succeed in the pacific and legal policy which he has thus far so successfully initiated, I should yet deem it a mistake if some eminent example was not made of those who have attempted in our system State rights, secession and Mexican pronunciamientos!

I am, sir, your most obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. Clay to Mr. Seward.

No. 101.]

LEGATION OF THE UNITED STATES,
St. Petersburg, Russia, February 7, 1866.

SIR : Your despatch No. 184 is received, together with the report of the Secretary of the Treasury. I have read with great interest Mr. McCulloch's able report, for which his Fort Wayne speech had already prepared me. His views are, in my opinion, rigidly correct, and I shall regard it as a great misfortune if Congress does not at once carry out his policy. The currency must be reduced till it comes to par with gold. And I am also in favor of taxation and redemption of principal and interest of our debt by immediate and steady effort. I dissent only from the Secretary's idea that our bonds should not be held abroad.

In old countries, where production has reached its maximum, a large foreign debt, especially for unproductive expenditures, would be oppressive, if not ruinous. But in our country, full of undeveloped resources, capital borrowed at something like six per centum per annum could be employed in *reproductive* expenditure for some centuries, yet, perhaps, with eminent advantage to our whole people ; for that is one reason I desire to see the Secretary's policy carried out. Our credit would be at once established in Europe, and an immense number of our bonds would be still taken here. As we have been fortunate in our generals, so now we may pride ourselves upon our finance ministers. I am sure S. P. Chase was the right man for the war expenditures, as H. McCulloch will prove to be the right man for the peace establishment.

I am, sir, your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. King to Mr. Seward.

[Extracts.]

No. 51.]

LEGATION OF THE UNITED STATES,
At Rome, March 2, 1866.

SIR : * * * * *

Referring, in conclusion, to American affairs, the cardinal said that he had read with great satisfaction the recent intelligence from the United States, and expressed the confident belief that the wise policy of the President would not only secure the reconstruction of the Union, but the restoration of amity and good feeling between the north and the south.

* * * * *

I have the honor to be, with great respect, your obedient servant,
RUFUS KING.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. Clay to Mr. Seward.

[Extract.]

No. 107.]

LEGATION OF THE UNITED STATES,
St. Petersburg, Russia, March 12, 1866.

SIR : I am in receipt of your despatch No. 188. I am gratified to hear that you were interested in my views given in regard to home politics.

We have news of the President's veto of the Freedmen's Bureau bill, and the public excitement, and we have also the veto message. In such an emergency I venture to say that I approve the message most heartily, *and I stand by the President.*

* * * * *

Your obedient servant,

C. M. CLAY.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

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Mr. Marsh to Mr. Seward.

[Extract.]

No. 132.]

LEGATION OF THE UNITED STATES,
Florence, March 19, 1866.

SIR : * * * * *

The President's veto upon the bill for enlarging the powers of the Freedmen's Bureau, and your own remarks on that subject at the great meeting in New York, have been received here, and more or less fully copied and commented upon by the Italian press. I am happy to be able to say that both the public journals and the public men of Italy have, without any exception so far as my observation extends, expressed entire approval of the policy of the administration upon this question; and upon the general character of the measures to be pursued in the process of the restoration of the insurgent States to their former position in the Union.

I have the honor to be, sir, your obedient servant,

GEORGE P. MARSH.

Hon. WILLIAM H. SEWARD,
Secretary of State.

Mr. King to Mr. Seward.

[Extracts.]

No. 52.]

LEGATION OF THE UNITED STATES AT ROME,
April 4, 1866.

SIR : * * * * *

His Eminence asked several questions about affairs in America, and again spoke in very eulogistic terms of the policy adopted by the President in his dealings with the States lately in rebellion against the federal government.

I have the honor to be, with great respect, your obedient servant,

RUFUS KING.

Hon. WILLIAM H. SEWARD,
Secretary of State, &c., &c., &c.

Mr. Adams to Mr. Seward.

[Extract.]

No. 1,219.]

LEGATION OF THE UNITED STATES,
London, June 21, 1866.

SIR : I have to acknowledge the reception of despatches from the department, Nos. 1,772 and 1,773.

The information received in the first of these, dated the 4th instant, came in confirmation of the telegraphic intelligence printed in the newspapers. The effect of the action of the government upon the public mind here has been very great. I have received in social circles the most marked and pointed expressions of their sense of it from many leading persons of both parties. At no time since the revolution has the reputation of the country stood so high in Europe as it does now. I am the more gratified in mentioning this fact, the natural consequence of the firm and elevated policy pursued by the government since the year 1861, that it does not seem to me to have been as yet so fully appreciated at home as it should be.

* * * * *

I have the honor to be, sir, your obedient servant,

CHARLES FRANCIS ADAMS.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. King to Mr. Seward.

[Extracts.]

No. 57.]

LEGATION OF THE UNITED STATES AT ROME,

June 23, 1866.

SIR: * * * * *

Adverting to American affairs the Pope expressed his sincere gratification at the rapid recovery of the United States from the destructive effects of the late war, and the evident progress making towards the complete restoration of peace and union; and he begged me to convey to the President the assurance of his lively sympathy, as well as of his cordial approbation of the policy which the Executive had thusfar pursued. He wished the President all success, he said, in the good work which he had so well begun and was so earnestly prosecuting.

I thanked his Holiness for this friendly expression of his sentiments, and assured him that it would give me great pleasure to communicate them to the proper department.

* * * * *

I have the honor to be, with great respect, your obedient servant,

RUFUS KING.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Morris.

DEPARTMENT OF STATE,

Washington, November 21, 1866.

SIR: The President has received a letter from a citizen of the United States, at Paris, which represents that you have condemned his course in a malignant manner to various Americans. Your denial or confirmation of this charge is requested by,

Sir, your obedient servant,

WILLIAM H. SEWARD.

EDWARD J. MORRIS, Esq., *Constantinople.*

Mr. Seward to Mr. Murphy.

DEPARTMENT OF STATE,
Washington, November 21, 1866.

SIR : A citizen of the United States has addressed a letter to the President from Paris, in which he says that you have repeatedly declared that the threat of his friend Zach. Chandler would be and ought to be made good, by the impeachment of the President. Your denial or confirmation of the truth of this statement is requested.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

W. W. MURPHY, Esq.,

Consul General of the United States, Frankfort-on-the-Main.

Mr. Seward to Mr. Hale.

DEPARTMENT OF STATE,
Washington, November 21, 1866.

SIR : The President has received a letter from a citizen of the United States at Paris, in which it is represented that you have condemned his course in a malignant manner to various Americans. Your denial or confirmation of this statement is requested.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN P. HALE, Esq., &c. &c. &c., *Madrid.*

Mr. Seward to Mr. Perry.

DEPARTMENT OF STATE,
Washington, November 21, 1866.

SIR : The President has received a letter from a citizen of the United States at Paris, in which it is represented that you have spoken in offensive language concerning him. Your denial or confirmation of this charge is requested by.

Sir, your obedient servant,

WILLIAM H. SEWARD.

AMOS PERRY, Esq., *United States Consul, Tunis.*

Mr. Seward to Mr. McMath.

DEPARTMENT OF STATE,
Washington, November 21, 1866.

SIR : The President has received a letter from a citizen of the United States at Paris, in which it is represented that you have railed violently and shamefully against him, and have said that you were ready to retire from such a concern. A denial or confirmation of the truth of this charge is requested by.

Sir, your obedient servant,

WILLIAM H. SEWARD

JESSE H. MCMATH, Esq., &c., &c., *Tangiers.*

Mr. Hale to Mr. Seward.

LEGATION OF THE UNITED STATES OF AMERICA,
Madrid, December 11, 1866.

SIR : I have received with much surprise your letter of November 21, 1866. I shall make short work in answering it. The whole statement, from beginning to end, is utterly and totally false in every word and line, whether you look at the statement in point of fact, or at the spirit which dictated it. I can appeal with confidence to every American whom I have met since I have been in Spain to bear witness to the utter falsehood of the statement. I have ever felt, and my conduct has been carefully regulated by the feeling, that I was the representative of the government of the United States, and not a partisan. If this statement is not entirely satisfactory, I court and solicit the fullest investigation, from which not only the falsehood but the malignity of the charge, by whomsoever it may be made, will be established.

I have the honor to be, very respectfully, your obedient servant,

JOHN P. HALE.

Hon. WILLIAM H. SEWARD, *Secretary of State, Washington, D. C.*

Mr. Murphy to Mr. Seward.

UNITED STATES CONSULATE GENERAL,
Frankfort-on-the-Main, December 11, 1866.

DEAR SIR: Your favor of the 21st ultimo was received to-day. I am much surprised at the statements made in regard to language which it is reported I used, to the effect "That the threat of Zach. Chandler to impeach the President would be and ought to be made good."

I reply that the same is wholly untrue, and that I have had but one conversation with any person for months in connection with the name of Mr. Chandler and his proposed impeachment. That was with a Colonel Ames, who was visiting here in October last, and who inquired of me if I knew Senator Chandler, as I was from his State. I replied I was well acquainted with him. He asked me if I knew that Mr. Chandler had threatened or was going to impeach the President. I told him I had read the statement in the New York Times. I knew nothing of the truth of it; thought it might be attempted by Mr. Chandler, General Butler, or some one else. My impression is that nothing further was said on the subject, and it must have been from this that the writer of the letter to the President founded this pretended allegation.

I will also further state what is known to our bankers here, that when inquired of in regard to this impeachment I have generally replied that I looked upon it as an electioneering story, and that I did not believe it would be done. To the editors of the two leading journals here, the *L'Europe* and *Frankfort Gazette*, which were in our interest during our civil war, I have made similar statements. In my letters home, written to Hon. Mr. Beaman and Colonel W. T. Baxter, of Toursville, and others, last October and November, among other things I expressed the hope that an impeachment would not be attempted; that it would certainly result in an injury to the Union party, and that from the reading of General Butler's speeches I saw no good grounds for it. I think, if Mr. Consul Webster, of Bradford, is in Washington, though he was here but a few days, he would perhaps know my views upon this subject.

I enclose a letter from Vice-Consul Chas. Grache, (formerly United States consul here,) and an administration man, which will confirm what I have said.

I have the honor to be, sir, with greatest regards, your most obedient servant,
WILLIAM W. MURPHY.

Hon. WM. H. SEWARD, *Secretary of State, Washington.*

FRANKFORT, *December 11, 1866.*

DEAR SIR: In returning to you the letter from the honorable W. H. Seward, dated Department of State, Washington, 21st November last, advising you therein that a citizen of the United States had addressed a letter to the President from Paris, in which the same said that you had repeatedly declared that the threat of his friend, Zach. Chandler, would be and ought to be made good by the impeachment of the President, I cannot but express my surprise how any one could write such a letter to the President, and bring forth an accusation of which there is not the least appearance of truth. In our nearly daily intercourse, the political state of our country has naturally been frequently the topic of the conversation, as well between us as with other fellow-citizens who came to this place; but never and at no time have I heard you utter any such sentiment as accused by the Paris writer, or any one from which it might be inferred that such were your ideas; on the contrary, whenever by some newspaper article the discourse turned thereupon, you invariably condemned such an attempt, and expressed your belief that the whole was nothing but an electioneering manœuvre, and as a friend to the President you regretted these attacks.

Now, while such always was the case openly and in confidential circles, how unlikely must it appear that you should express yourself quite the reverse to a stranger.

The letter from Paris appears to have been written for some nefarious purpose; any one who can do this must be dangerous to all who may by chance associate with him; it would, therefore, be not only an act of justice towards you, but also a favor to all, that his name became known.

Should you think proper you are at liberty to communicate this letter to the honorable Secretary. My advanced age and my position, having no other interest than the desire to see our country happy and respected, will, I hope, assure the honorable Secretary that I would not affirm anything of which I was not convinced that it was true, and he can therefore confidently rely on my statement.

Trusting that the same will prove satisfactory, I remain, respectfully and sincerely, yours,

CHAS. GRACHE

W. W. MURPHY, Esq.,

United States Consul General, Frankfort-on-the-Main.

Mr. Murphy to Mr. F. W. Seward.

CONSULATE GENERAL,
Frankfort-on-the-Main, December 18, 1866.

DEAR SIR: A few days since I received a communication from the State Department informing me that a letter had been addressed by a citizen from Paris to the President, in which it was alleged "that I had repeatedly declared that the threat of Zach. Chandler would and ought to be made good by the impeachment of the President."

I transmitted at once to the Hon. W. H. Seward a letter denying the truth of the statements.

I cannot but think this charge made by this writer from Paris was either a base and malicious fabrication on his part, or was made by him upon mere rumor, the truth of which he did not know, nor take the trouble to ascertain. On the contrary, my opinions upon this question of impeachment are known to every prominent person in this city to be the reverse from what he has stated.

I suppose it is generally understood in our country that our prominent bankers as well as merchants, by reason of their large investments in American securities, take a deep interest in our political and financial affairs. The very whisper of

a conflict between Congress and the President has had its influence to depress these stocks. They do not understand our institutions as well as they might, and some were disposed to look upon the high state of political excitement existing in our country during the late fall elections as the next thing to anarchy.

Now it has happened that several times the past fall false telegrams were sent here from New York, like that of the Philadelphia Ledger canard, in order to affect the price of goods or stocks, and I have been called upon by editors and bankers to know my opinion of the same.

I have invariably informed these gentlemen making the inquiry that they need not believe such reports, for no unconstitutional act would be done, either by the President or Congress.

To the inquiry about the contemplated impeachment of the President, I have also publicly expressed my opinion that it was only an electioneering story, and that I did not believe it could or would be attempted. I might refer to General King or General Wright, in addition to those I have named, for the truth of my statements.

You will not fail to see from this that the writer, if he had visited this city, could not have made the false allegation to the President, and I cannot believe he had any grounds whatever for so misstating my opinion, and he must have known of the falsity of the letter.

In view of these facts, since writing the denial of the truth of the Paris letter, I have thought it would be no more than right to have the writer's name furnished me; but if the same is inconsistent with the rules of the department, or deemed otherwise improper, I will forego.

I am, &c., your obedient servant,

WILLIAM W. MURPHY.

Hon. F. W. SEWARD,

Assistant Secretary of State, Washington.

Mr. McMath to Mr. Seward.

CONSULATE OF THE UNITED STATES OF AMERICA
FOR THE EMPIRE OF MOROCCO,
Tangier, December 19, 1866.

SIR: I have the honor to acknowledge the receipt of your private communication, dated 21st ultimo, in which you state the President had received a letter from a citizen of the United States at Paris, representing that I had railed violently and shamefully against the President, and had said I was ready to retire from "such a concern," and for the truth of this charge you request (as I admit your right to do) a denial or confirmation.

I declare, on my honor, I am not guilty of the gross and ungentlemanly conduct charged against me, nor have I, at any time or place, made use of any unbecoming language against the President as a public or private citizen, nor against his cabinet and administrative policy; but I do most solemnly avow and declare that I have always spoken of his Excellency, his cabinet and administration, in the most respectful terms; and further, I do solemnly declare, on my honor as a gentleman and the representative of our government, said charge to be a coarse, mendacious, and malicious fabrication, destitute of any particle of truth whatever.

I am and have been a supporter of the President's policy of reconstruction, and I challenge any citizen of the United States, at home or abroad, or the subject of any foreign potentate, to point out a time or an occasion when he or they heard one word or sentence from me in opposition to that policy, or in opposition to the President in any manner or form whatever.

I beg you to do me the personal favor to furnish me with the name of the individual who made this charge, and also to place this note before the President.

I have the honor to be, sir, very respectfully and truly, your most obedient servant.

JESSE H. McMATH.

Hon. WILLIAM H. SEWARD,

Secretary of State United States of America, Washington, D. C.

Mr. Perry to Mr. Seward.

UNITED STATES CONSULATE.

Tunis, December 22, 1866.

SIR : I have the honor to acknowledge the receipt of your letter of the 21st of November, 1866, informing me that the President has received a letter from an American citizen at Paris, charging to my account offensive language. I certainly am not conscious of ever having spoken offensively or disrespectfully of the President, or of any member of his cabinet, and I accordingly deny the truth of the charge brought against me.

It does not become me to scrutinize the motives that prompted that letter to the President. It is enough for me here to declare my loyalty to the government and my uprightness as a subordinate officer under the President.

* * * * *

Very respectfully, your obedient servant,

AMOS PERRY.

Hon. WILLIAM H. SEWARD,

Secretary of State, Washington, D. C.

Mr. Sanford to Mr. Seward.

No. 400.]

LEGATION OF THE UNITED STATES.

Brussels, December 24, 1866.

SIR : The message of the President has been awaited with great interest, and has received great attention and favorable comment here.

The general sentiment, in so far as it comes within my observation, favors the policy laid down by him towards those lately in rebellion, and in this not only those whose sympathies rather incline to the South, but those who are our most earnest friends, are mostly united. In fact, political offences are looked upon with charity by the non-governing class, which more decidedly sympathized with our cause during the war, and a policy of forbearance and forgiveness towards the late rebels appears to find more general favor with them. I find some who, in a business point of view, look to the prolongation of the present condition of the South as more favorable to direct trade with Europe, and who hope by its continuance to accomplish what has been vainly attempted here so long, the establishment of direct exchange with the southern ports without the intermediary of the North.

The financial strength of the country appears to excite more amazement than the evidence of power for war which the rebellion developed. The prompt and unexampled rate of extinguishment of our debt has made an impression, and is destined to have an influence abroad much deeper and more wide-spread than appears on the surface. Public sentiment is powerfully provoked, by such facts to insist that public debts were created to be paid, and that our example should be imitated, and I think it requires little foresight to predict that the result will

be an attempt, ere long, to commence such a policy on the part of more than one European government, under that pressure.

The paragraph in the message touching diplomatic relations with Greece has been generally commented upon by the press here, (in connection with the establishment of consulates general in the Danubian provinces,) as looking to our taking part in the eastern question and in sympathy with Russia.

At no time in our history, I presume, has public attention been more alive to every act on our part in connection with our foreign relations, and for the reason that our influence has never been so potential in the world's affairs, and would be a most important element to be reckoned with if we choose to exercise it.

I have the honor to be, with great respect, your most obedient servant,

H. S. SANFORD.

HON. WILLIAM H. SEWARD,
Secretary of State. &c., &c., &c.

Mr. Morris to Mr. Seward.

LEGATION OF THE UNITED STATES OF AMERICA,
Constantinople, December 26, 1866.

SIR: By the last post I had the honor to receive from you a note couched in the following terms:

"The President has received a letter from a citizen of the United States at Paris, which represents that you had condemned his course, in a malignant manner, to various Americans. Your denial or confirmation of this charge is requested."

I have no hesitation in declaring that I have never denounced the course of the President in a malignant manner. I am not apt to employ malignant terms against any one, and much less with reference to the actions and policy of the Chief Magistrate of the republic, of which I am a diplomatic representative. Either a spirit of detraction or interested motives must have given this invidious coloring to my remarks. I have, on the contrary, always declared, and I still hold to the opinion and freely express it, that the President's policy of admitting loyal representatives from the south to Congress was a sound one, and if it had been adopted in the organization of the present Congress would have restored peace to the country, and would have led to the easy adjustment of all the difficulties pending between the two great sections of the country.

Of the masterly foreign policy of the present administration I entertain the highest admiration. It has had the effect to elevate the prestige of the United States to a higher grade than it has ever yet attained, and to give us a more powerful influence on the world's affairs than at any previous period of our history. This must be admitted by every American who is cognizant of the state of public opinion in Europe, and who is not blinded to the truth by party prejudice.

In reference to charges of hostility to the President, it is but just to myself that I should refer to two facts. In May, 1865, the news of the inauguration of President Johnson reached here. Amid a cloud of misrepresentation, in the press and among the public, I was almost the only one to raise a voice in behalf of the President, and to exhibit his character in its true light. I first addressed a note to the editor of the *Levant Herald*, in his vindication; and when the deputation of British residents waited on me to express their sympathies for the assassination of President Lincoln, and for the murderous assault on yourself, I made use of the following remarks:

"During six years' service with the present President of the United States, Mr. Johnson, in the federal Congress, I had occasion to know his character.

He is a man of exemplary habits and life, of striking propriety of demeanor and conduct, and possessed of an extraordinary energy and fortitude of spirit, that render him equal to any emergency. To an inflexible patriotism, he unites an experience of thirty years in almost every department of American public life, through the various grades of which he has risen by a series of honorable services, and by incontestable proofs of a high order of talent and character. As an American, I feel that the destinies of my country are safe in his hands, and that the international relations of England and America will be treated by him in a broad and statesmanlike spirit."

In the same spirit I addressed a circular despatch to the United States consuls in the provinces, describing the character of the President in its true light, and requesting them to repeat it on my authority to their consular colleagues. At the conclusion of the above despatch, which was dated May 10, 1865, I made use of the following language :

"How long I may continue to serve the government under him (President Johnson) I know not, and shall take no steps to interfere with the free exercise of his judgment in relation to the incumbent of this post ; but as an American citizen, I deem it my duty to aid in dispelling serious misapprehensions as to his character and capacity. He will be traduced as his predecessor was, because he is the President of the republic, in the maintenance of which every human being has an interest, and every hour of whose existence gives the lie to the necessity of despotism and arbitrary power, as instruments of government."

These views I have not changed, and I have as firm faith as ever in the patriotism and purity of motive of President Johnson. This is the tone, in which I have always spoken of him to my colleagues of the diplomatic corps, as they can all bear witness.

My attention has been so concentrated on official duties and on foreign affairs that I have had but little time to bestow on our domestic politics. I have regarded them rather in the light of a dispassionate observer than in the spirit of a partisan, and I have too little feeling on the subject to be inspired by the malice and malevolence of party zealotry. I believe the government is in safe hands, and I have a firm faith that there is patriotism enough left with North and South not to suffer the nation to be sacrificed on the altar of party spirit.

With my best wishes for the success of an administration of which you form so conspicuous a part, and with the expression of my regrets that I should be obliged to vindicate myself against unfounded imputations on the motives and actions of President Johnson,

I am, sir, with great respect, your obedient servant,

E. JOY MORRIS.

Hon. WILLIAM H. SEWARD,

Secretary of State, &c., &c., &c.

Mr. Seward to Mr. Hale.

DEPARTMENT OF STATE,

Washington, January 4, 1867.

SIR: I have received your letter of the 11th December, and have the pleasure to state, in answer thereto, that the explanations which it contains are quite satisfactory.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

JOHN P. HALE, &c., &c., &c., *Madrid.*

Mr. Seward to Mr. Murphy.

DEPARTMENT OF STATE,
Washington, January 8, 1867.

SIR: Your unofficial note of December 11, in reply to certain charges made against you of improper language with regard to the President, has been received. I am happy to say that the denials and explanations are satisfactory.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

W. W. MURPHY, Esq.

United States Consul General, Frankfort-on-the-Main.

Mr. Hunter to Mr. Murphy.

DEPARTMENT OF STATE,
Washington, January 14, 1867.

SIR: Your unofficial communication to the Assistant Secretary, dated December 18, has been received during his absence. Your denials and explanations of the charge made against you having been received as satisfactory, no public interest will be promoted by the further prosecution of the inquiry. The department therefore thinks best not to give you the name of its informant.

I am, sir, your obedient servant,

W. HUNTER,
Second Assistant Secretary.

W. W. MURPHY, Esq.,

U. S. Consul General, Frankfort-on-the-Main.

Mr. Seward to Mr. Sanford.

No. 212.]

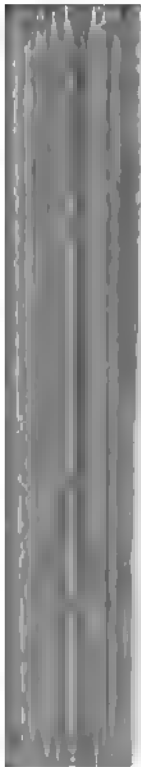
DEPARTMENT OF STATE,
January 17, 1867.

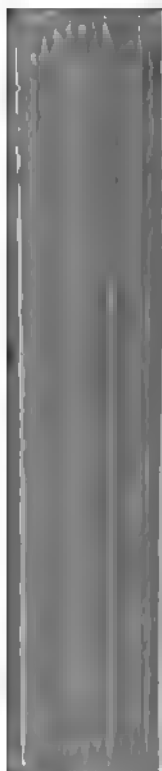
SIR: I have the honor to acknowledge the receipt of your despatch of December 24, No. 400. I thank you for the interesting account which you have given me of public sentiment in Europe in regard to the policy of the United States as set forth in the President's message.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

HENRY S. SANFORD, Esq., &c., &c., &c., *Brussels.*





MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES,
COMMUNICATING,

In compliance with a resolution of the Senate of the 11th instant, calling for correspondence relating to the manner in which the consul at Cadiz has transacted the business of his office.

FEBRUARY 23, 1867.—Read; ordered to lie on the table and be printed.

To the Senate of the United States:

I transmit to the Senate, in answer to their resolution of the 11th instant, a report from the Secretary of State, with accompanying documents
ANDREW JOHNSON.

WASHINGTON, *February* 21, 1867.

DEPARTMENT OF STATE,
Washington, February 21, 1867.

The Secretary of State, in answer to a resolution of the Senate of the 11th instant, requesting him "to report and transmit copies of any correspondence on file in the Department of State relating to the manner in which our consul at Cadiz has transacted the business of his office, particularly relating to any statement or documents of the Spanish government upon the question of the invoices of wines shipped to the United States," has the honor to lay before the President a copy of the correspondence called for, of which a list is subjoined.

Respectfully submitted:

WILLIAM H. SEWARD.

The PRESIDENT.

List of papers.

Mr. Farrell to Mr. Seward, May 14, 1866.
Mr. F. W. Seward to Mr. Farrell, June 7, 1866.
Mr. Farrell to Mr. F. W. Seward, June 29, 1866.
Mr. F. W. Seward to Mr. Farrell, July 27, 1866.
Mr. Seward to Mr. McCulloch, July 27, 1866.
Mr. McCulloch to Mr. Seward, October 17, 1866.
Mr. F. W. Seward to Mr. Farrell, October 25, 1866.
Mr. Farrell to Mr. F. W. Seward, November 15, 1866.
Mr. Farrell to Mr. F. W. Seward, November 27, 1866.

Mr. Seward to Mr. McCulloch, December 13, 1866.
 Mr. McCulloch to Mr. Seward, December 18, 1866.
 Mr. F. W. Seward to Mr. Farrell, December 20, 1866.
 Mr. Tassara to Mr. Seward, January 8, 1867.
 Mr. Seward to Mr. Tassara, January 16, 1867.
 Mr. Seward to Mr. McCulloch, January 16, 1867.
 Mr. McCulloch to Mr. Seward, January 21, 1867.
 Mr. Hunter to Mr. Farrell, January 31, 1867.
 Mr. Seward to Mr. McCulloch, February 1, 1867.
 Mr. Hunter to Mr. Farrell, February 2, 1867.
 Mr. Tassara to Mr. Seward, February 5, 1867.
 Mr. Seward to Mr. McCulloch, February 13, 1867.
 Mr. Jordan to Mr. Seward, February 18, 1867.

Mr. Farrell to Mr. Seward.

No. 30.]

UNITED STATES CONSULATE.

Cadiz, May 14, 1866.

SIR: There is a firm here named Rudolph that insists upon having their invoices made out and certified to in the name of the deceased founder of the establishment. The firm is composed of three brothers. The founder of the business, Frederick Rudolph, was their father, and they continue to carry on their trade in his name, and send me invoices signed, the value declared, and all the facts called for by our customs regulations, set forth by him, the aforesaid Frederick Rudolph, whereas he has been "gathered to his fathers" for more than five years.

I have declined to certify invoices signed by the defunct Rudolph; but the members of the firm assert that it is right to present them signed with the name of the deceased Rudolph, and that it is a well-known commercial custom. but, if it is, I think it is a very bad one, as there can, possibly, be no moral obligation on their part, and they can be honest or dishonest just as they please. However, as I understand the United States revenue laws, I cannot sanction such a novel system until I am advised of the views of the department, or the Secretary of the Treasury. By allowing them, or any others, to attach a fictitious, or deceased, name to an invoice, may they not declare to a fictitious value? and, indeed, at present, and for some time past, I am inclined to believe that too many of the merchants of this city do so, and have done so. To approve of the present *modus*, any one of the firm can send an invoice signed by Frederick Rudolph, or Pontius Pilate, false and fraudulent, and no moral obligation is violated, because the illustrious deceased know not of the laws governing our collections of revenue.

I respectfully ask for instructions to govern this case, and any others should they come to my knowledge.

I am, sir, your obedient servant,

R. F. FARRELL.
United States Consul.

HON. WILLIAM H SEWARD,
Secretary of State, Washington.

Mr. F. W. Seward to Mr. Farrell.

No. 23.]

DEPARTMENT OF STATE.

Washington, June 7, 1866.

SIR: Your despatch No. 30, with reference to certifying the invoices of the firm of "Frederick Rudolph," has been received and considered.

In answer thereto I would say that merchants have a right, and it is not an uncommon practice, to continue their business under a name in which it was established and had acquired reputation, although the individual who bore the name, or all the individuals whose names entered into the firm name, have ceased to exist. There is no objection to an invoice being made out or subscribed in such a name. It must, however, be verified by the affidavit of some person subscribing his proper individual signature, and he may properly describe himself as a member of the firm of "Frederick Rudolph," whatever may be the individual name.

The use of a name of established reputation in the invoice may be of essential consequence to the merchant, and, so that the verification is made satisfactory, consular officers should interpose no obstacle to the use of the old firm name.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

R. F. FARRELL, Esq.,
U. S. Consul, Cadiz.

Mr. Farrell to Mr. Seward.

No. 38.]

UNITED STATES CONSULATE, CADIZ,
June 29, 1866.

SIR: I have given notice to the owners and shippers of wine from this city and vicinity that they must comply with the orders of circular No. 59, April 20, 1866. With few exceptions they are displeased, and have given me considerable trouble. A chronic system has been in practice here which allowed every truthless shipper to put his wines at any price he pleased. Many of them have grown rich and proud at the expense of our revenue, and they deem it a hardship to appear before me and declare, swear, to their invoices. I have been informed that a petition is about to be forwarded to you on account of my action. I am pleased at their resolution and hope they will send it forward.

I am here now six months and have watched the actions of all shippers. After watching, inquiring, &c., I have arrived at the disagreeable conclusion that two-thirds of the wine exported from here to the United States has been forwarded under the protection of false and fraudulent invoices. I believe, too, that the parties who have sent those invoices would as soon swear to their fictitious value as declare to it.

I have examined each invoice of 1865; I have found that, without exaggeration, there was about three hundred thousand (300,000) dollars kept from our revenue by these invoices.

One of the secret agents of the Treasury Department was here a few weeks past. I communicated to him my suspicions, showed him my book of invoices and the letter that the late vice-consul wrote to one of the appraisers in Boston. He went to one of the largest shippers here to buy wine. The shipper, after some time, candidly informed him that he could not send wine to the United unless under the protection of false invoices. He requested me to make no change, to allow this party to send his wines forward. I have done so up to the present, but now deem it necessary to have all the clauses of the aforesaid circular complied with. He took with him all my invoices from January 1 to 14th of June.

There is a large quantity of wine from here on the way to the United States invoiced at the very low figure. I do not believe any of them have the true value set forth, and I have informed the proper officers that I believe they are fraudulent.

If I have to send samples of wine to the different collectors of customs, I will

be obliged to employ a packer and buy boxes. Before I do so I wish to know your pleasure. When I have my quarterly returns made out I will send a detailed account of the *modus operandi* of legalizing invoices heretofore, the way the revenue is defrauded, and all matters in my possession relating to the wine trade.

I am, sir, your obedient servant,

R. F. FARRELL,
United States Consul.

Hon. W. H. SEWARD,
Secretary of State, Washington.

Mr. F. W. Seward to Mr. Farrell.

DEPARTMENT OF STATE,
Washington July 27, 1866.

SIR: Your despatch No. 38 has been received. A copy has been given to the Treasury Department for its information and for any suggestions it may have to make.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

R. F. FARRELL, Esq.,
U. S. Consul, Cadiz.

Mr. Seward to Mr. McCulloch.

DEPARTMENT OF STATE,
Washington, July 27, 1866.

SIR: I have the honor to send you enclosed herewith copy of despatch No. 53 from our consul at Lyons, and to ask if you have any suggestions to make with regard to the subject-matter of said despatch.

I also send copy of despatch No. 38 from our consul at Cadiz, for your information and consideration.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. H. McCULLOCH,
Secretary of the Treasury.

Mr. McCulloch to Mr. Seward.

TREASURY DEPARTMENT, *October 17, 1866.*

SIR: I have the honor to acknowledge the receipt of your letter of the 27th of July last, transmitting copies of despatches No. 53 from our consul at Lyons and No. 38 from our consul at Cadiz, the latter for my information and consideration, and asking if I have any suggestion to make in regard to the subject-matter of the former.

There can be no question that the transmission of samples to our revenue officers is one of the surest and simplest modes which can be adopted to prevent fraud, and to detect it when it is attempted.

It appears by the despatch from the acting United States consul at Lyons

that permission has been granted to him to purchase silk goods and ribbons, and that the appraisers to whom such samples have been forwarded have acknowledged their usefulness in determining values. It is presumed that, as there is no fund under your control out of which such expenses can be paid, this department should, as it has heretofore done, direct them to be paid as expenses incurred in collecting the revenue. You will therefore please instruct the acting consul at Lyons to make purchases of such goods as he may deem absolutely necessary for samples to be forwarded to the revenue officers in this country, to the extent of two hundred dollars.

I am, very respectfully,

H. McCULLOCH,
Secretary of the Treasury.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

Mr. F. W. Seward to Mr. Farrell.

No. 36.]

DEPARTMENT OF STATE,
Washington, October 25, 1866.

SIR: Referring to your despatch No. 38, which was referred to the Secretary of the Treasury, I now hand you herewith a copy of a communication from that official addressed to this department, in relation to the subject presented in your despatch above referred to, viz., regarding the transmission of samples to our revenue officers.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

R. F. FARRELL, Esq.,
United States Consul, Cadiz.

Mr. Farrell to Mr. F. W. Seward.

No 53.]

UNITED STATES CONSULATE,
Cadiz, November 15, 1866.

SIR: I have the honor to acknowledge the receipt of your despatch No. 36, dated October 25, 1866, enclosing a copy of a communication from the honorable Secretary of the Treasury, relating to the contents of my despatch No. 38.

I beg to inform you that I do not comprehend the subject-matter of the honorable Secretary's letter, except that it states the importance of transmitting samples to our revenue officers, and authorizes the "acting consul at Lyons to make purchases of such goods as he may deem absolutely necessary for samples," &c., but there is not a word about the undersigned being authorized to do the same, or to pay for the expenses of packing samples, and boxes or barrels to contain them in their journey from here to the United States. Perhaps, as you understand the letter of the honorable Secretary of the Treasury, I am authorized to send samples forward, &c., but not exceed the sum of two hundred dollars; but I do not so understand it, as there is no reference to this consulate, nor does the honorable Secretary aforesaid state that I am, or any other consular officer, except the acting consul at Lyons, at liberty to incur any expense on account of any subject in my No. 38, or in the transmission of samples.

I therefore request to know am I at liberty to send samples from this consu-

late to the United States, and to draw on the honorable Secretary of the Treasury for the expenses incurred in their transmission, the said expenses not to exceed two hundred (200) dollars for any one cargo.

I am, sir, your obedient servant,

R. F. FARRELL,
United States Consul.

Hon. F. W. SEWARD,
Assistant Secretary of State, Washington.

Mr. Farrell to Mr. F. W. Seward.

No. 54.]

UNITED STATES CONSULATE,
Cadiz, November 27, 1866.

SIR: I beg to call your attention to the enclosed correspondence, and in doing so respectfully submit the following explanatory statement: Letter No. 1 is from our minister at Madrid, communicating to me the substance of the complaint made to him by one Count de Torres, a member of the firm of F. de Arbe & Co., and one of the partners and brothers of the house of "Ritortillo Hermanos." The principal part of the complaint is my declining to certify certain invoices that I have had good reason to believe, and do believe, did not contain the true value of the wine intended for exportation to the United States. The Count added another to strengthen the former. The latter is a statement that my manner, when declining to certify the invoices, was "rude and insulting." This is a false statement, and has no foundation, except that I candidly, courteously, and firmly informed him—if he has ever visited this consulate, which I doubt, as I have no recollection of ever seeing him here until the day after his arrival from Madrid—that I could not sign the invoices of F. de Arbe & Co. I need not assure you that there never would have been any charge of "rude and insulting" conduct if I had signed the said invoices. Every wine-shipper here supposes, or pretends to, that he has nothing to do but present his invoice at the consulate and have it signed, no matter whether the price is satisfactory to the consul or not. Their word is very important in their estimation; but I have, I regret to state, met too many truthless persons here, and know that too many of the wine-shippers have little or no scruples in defrauding not only our revenue, but that of this country. No. 2 is my reply to the letter of Mr. Hale.

The manner of legalizing invoices before my arrival was, certainly, very convenient for the shipper, but very prejudicial to the interests of the United States. The exporter put in the invoice what price suited him, signed in his counting-house, and sent it to the consulate by a boy for the consul's seal and signature. I have abolished this practice; the shipper must appear before me and, when I have any doubt of the value, swear to it, but at all times must sign it in my presence. For so doing I am considered disobliging, and my conduct stigmatized as "rude and insulting," but I have solely done my duty, and that in a polite and attentive manner. I cannot grant favors incompatible with my duty, and I certainly shall grant none that I know are prejudicial to the interest of our revenue.

I have kept the honorable Secretary of the Treasury, and the collectors of customs at New York and Boston, advised of all my actions in relation to invoices.

My letters to the honorable Secretary of the Treasury bear date as follows: June 16, August 14, August 29, October 4, October 18, November 2, November 9, November 17, 1866. I addressed one, also, to the Solicitor of the Treasury Department on the 29th of June, 1866. The following are the dates to the collectors of customs at New York and Boston: To New York, June 29, July 20, November 3, November 9, November 17; to Boston, September 10, 1866.

If I were desirous of purchasing the ephemeral regard of the shippers I would sign all and ask no questions; but would not such carelessness merit your gravest censure, or perhaps my immediate dismissal? If I am to obey your instructions—and I am and will—I cannot do less than have the shippers comply with every line, syllable, and letter of every order, written or printed, from the Department of State

As I have declined to certify certain invoices, and the parties interested may address you upon the subject, I beg to inform you why I have done so. Last June Mr. W. B. Farwell, secret revenue agent, visited this city. After an hour's conversation we agreed on a plan of finding out as much as possible in relation to low-invoiced sherry wine. Mr. F. visited the wine cellar of the largest and principal exporter from here to the United States, incognito, for the purpose of "buying wine for Canada." After a short conference with one of the members of this firm, he frankly informed him that it was impossible to send wine to the United States at the usual invoiced price, but that it was sent and invoiced low in order to escape the high duties. The duty on wine is: value not over fifty (50) cents per gallon, twenty (20) cents per gallon, and twenty-five (25) per cent. ad valorem; over fifty (50) cents and not over one hundred (100,) fifty (50) cents per gallon, and twenty-five (25) per cent. ad valorem; over, one (\$1) dollar per gallon, and twenty-five per cent. ad valorem. It is the interest of the shipper to pay only the lowest duty, to wit, "twenty (20) cents per gallon, and twenty-five (25) per cent. ad valorem." I assure you that ninety-nine out of every hundred casks of wine that leave this port are invoiced so as to come under the twenty (20) cents duty, and the shipper will swear that this is the true value, because too many here consider such an oath as a mere form, and pay no more attention to it than if it were the chorus of a negro song.

The wine thus invoiced is less than fifty (50) cents per gallon. No one can buy the lowest class of sherry here for fifty (50) cents per gallon. But the shippers say, when I refer to the low price, that it is not sherry that they are sending—that it is common "Moquier wine," the refuse and trash of the wine district; but they put it down in their invoices as sherry, and brand their casks as vessels containing pure sherry wine, and I must, and do, consider it as sherry wine because the invoice says that it is, and the shipper cannot put one thing in his invoice, and come into the consulate and say that it is something else with impunity, because, if I believed him, and acted on that belief, I could not sign the invoice unless I permitted him to put down one thing in his invoice, and afterwards to believe him when he stated that it was something else. The invoice is supposed to contain the quality, quantity, and value of the goods about to be exported. The shipper declares, or swears, it to be true in all respects, and signs it in my presence. It states that it represents so many gallons of sherry wine. I must believe the shipper; it is none of my business what the casks contain; the appraisers will attend to their contents. I must go according to the invoice, and I cannot, and have not, allowed him to go behind his invoice, his declaration and signature, or accept his assertion that it is something else. Hence I have declined to certify certain invoices that I have had good reason to believe and do believe to be undervalued.

No. 3 is a list of the shippers and the quantity of wine sent from here without invoices; that is, the invoices were presented, but I declined to sign and seal them, as I have had good reasons to believe, and do believe, they were undervalued.

Some time past these shippers adopted a skilful plan of defrauding the ship-owner of his freight, and the customs of duties. The plan was, and is, an American butt is one hundred and twenty-six (126) gallons "legal measure," or one hundred and twenty-eight "full measure." Very little wine is exported in butts to the United States. Quarters are in general use. By the above measure a quarter cask would only contain thirty-one and a half (31½) gallons "legal measure," or thirty-two (32) "full measure." Freight per tun on this range

from \$8 to \$10 per tun. Eight (8) quarters, or two (2) butts, make a tun. The shippers have had their casks made so as they would hold forty gallons; that would be one hundred and sixty (160) gallons per butt, or three hundred and twenty (320) gallons per tun. The full-measure tun, or eight (8) quarters, would only contain two hundred and fifty-six gallons. Hence $320 - 256, 64$; and $64 \times 4, 256$; that is, the shipowner receives freight for four tuns of wine, but he carries five. Each tun of the "full measure" standard, namely, eight (8) quarters, each containing thirty-two (32) gallons, or for every twenty tuns of wine he carries he receives pay for only sixteen, plainly defrauded of one-fifth ($\frac{1}{5}$) of his freight. I have informed all American shipmasters of this system.

Their invoices were similar. They invoiced their casks as containing only thirty-two (32) gallons. At sixteen (16) dollars per quarter this would be fifty (50) cents per gallon; but if they contain forty (40) gallons, only forty (40) cents; and I know no man can include all expenses and export wine from here at such a price, nor can any one here buy wine at such a price.

The moral character of these shippers of so-called low-class wine is very bad. Falsehood and fraud are the rule; truth and honesty the exceptions. I doubt if, in their endeavors to make money at the expense of any one or any thing, they would hesitate to swear to anything, true or false, and I assure you their sense of moral honesty is as invisible as their disregard for truth is consistent. They were, and are, educated to lie; the defrauding of a custom-house is more than a cardinal virtue in their estimation; they love and practice knavery of all kinds, worship money, hate probity, and are to a man unanimously truthless, and should be, and while I am here will be, well watched. Many of them are the survivors of the infamous slave traffic. All were opposed to us during our late war. They were made fat, impudent, and overbearing on the sweat of the African. Such are the low-class wine shippers of Cadiz, at least ninety-nine out of every hundred.

Since I took charge of this consulate, last January, I have not troubled you with surmises or weak suspicions. I have endeavored to find out facts, the true value of all exports from here. It is, and was, a difficult task, as the shippers are very adroit in keeping all information in their possession. However, I have bided my time and have found out enough to warrant me in stating that the lowest class of sherry wine at present cannot be bought for sixteen (16) dollars per quarter cask, or sixty-four (64) dollars per butt of one hundred and twenty-eight gallons.

I hope you will not consider this communication too long or too prolix. It covers the whole ground, as far as I can learn, and I have patiently surveyed it. If it meets with your approbation and indicates to the department how to facilitate the labors of the Treasury Department in the collection of customs revenue and the exposure of frauds I shall be pleased, but if it should not I will endeavor to be more concise and brief in the future.

I am, sir, your obedient servant,

R. F. FARRELL,
United States Consul.

Hon. F. W. SEWARD,
Acting Secretary of State, Washington.

LEGATION OF THE UNITED STATES OF AMERICA,
Madrid, November 16, 1861.

SIR: The Count de Torres, for himself and a number of other merchants at Cadiz, exporters of wine to the United States, has been to this city for the purpose of complaining in the first instance to the government of Spain, and through that government to the government of the United States, of what they allege

to be improper and offensive conduct on your part in unjustly and without any sufficient cause refusing to certify invoices of wine which they were shipping to New York. The occurrences to which they refer happened about two or three months since. The count further complains not only that your official conduct in refusing to certify the invoices was without cause or reason, but also that your manner was exceedingly rude and insulting. I state the case to you just as the count states it to me, for the purpose of enabling you to make such answer as you think the truth of the case justifies, as the transaction will probably be submitted to the governments both of Spain and the United States.

I should be glad to hear from you on that subject.

With much respect, your obedient servant,

JOHN P. HALE.

R. F. FARRELL,

United States Consul, Cadiz.

P. S.—The count says that he shall call upon you at your office on Monday or Tuesday next.

J. P. H.

UNITED STATES CONSULATE,
Cadiz, November 20, 1866.

SIR: Your letter of the 16th instant, containing the substance of a complaint made to you by one Count de Torres and a number of other merchants at Cadiz, in relation to certain invoices that I have declined to certify, has been received and attentively perused, and in reply I beg to submit the following as my answer to said complaint:

I have no recollection, nor do I believe, although the count asserts the contrary, of ever seeing the Count de Torres in this consulate, or out of it, until this day, when he visited it in company with a Mr. Rudolph, who introduced him; but if he were here before, why need an introduction? He may have been here before, but I doubt it, as my eyesight is too good and my memory too faithful to forget such a remarkable person as the Count de Torres.

It appears that the count is a member of the firm of F. de Arbe & Co., and that as Mr. Arbe does not speak English he accompanied him as an interpreter; but he never intimated to me who he was, nor did I know that he was a member of the firm until to-day. The count is also a member of the firm of Retortillo Hermanos—one of the brothers. Mr. Arbe presented the invoice and was prepared to sign it, as he has done others; I declined to certify it, but I did not suppose that I was also refusing the Count de Torres. The cause of my declination was because I have had good reason to believe, and do believe, that the true value of the wine was not set forth in the invoice; I have also declined to certify certain invoices presented by the following firms: I. Bensusan, F. Rudolph, F. de Arbe & Co., A. de Aramburu, Lacave & Echeopar, and T. Febris, for the same cause.

Circular No. 59, Department of State, Washington, April 20, 1866, says that the powers conferred upon me for the purpose of securing truthfulness and correctness in invoices are ample; that I shall be held responsible for any want of truth or correctness in any invoice certified by me. The law of March 3, 1863, says I must be satisfied of the truth of the shipper's statement, and the value set forth in the invoice. The honorable Secretary of State says so too.

In declining to seal and sign the aforesaid invoices, I have simply performed what I understand to be my duty, and if doing my duty is considered "improper and oppressive" those who are so aggrieved can present their complaints to the proper person. I can show, I think, sufficient reasons for my conduct. I can

show by the minutes taken by W. B. Farwell, United States revenue agent, who visited this city last June, *in cog.*, that a system of fraud has been in existence here for years; I can prove every invoice that I have declined to certify to be incorrect.

I asked the count at what time he found me rude and insulting. He stated last July. I assure you I have never been rude or insulting to any man, or in any place, but on the contrary I have patiently explained, to all, the commands of my superior, the honorable Secretary of State. My rudeness it seems was in candidly, but briefly, declining to certify an invoice for Arbe & Co., of which he is a member. Perhaps, if the count has visited the consulate, my declination was not garnished with the proper compliments to suit the taste of his countship, but it was respectful, and in no manner rude or insulting. However, as he thought it was, I cheerfully, in presence of two gentlemen, begged him to accept my sincere apology for an act that I have no recollection of committing, or if committed, unintentional. But I have not changed on signing improper invoices. The count is more anxious about the invoices than my alleged rudeness. I assure you there never would have been any complaint about my alleged rudeness if I had signed the invoices. It is very strange that the count has not thought it worth his while to complain of an act committed in July until he finds that I have declined to certify certain invoices in November. I presume that if I continue to refuse my seal and signature, there will be many charges, like the alleged rudeness of the count, presented to you, or to the Department of State. I think my character for truth and probity will stand a better test than that of the Count de Torres, or any other shipper of low-classed wine, so-called, in Cadiz. After ten months' close attention to the business of this consulate, I regret to state that, with these men, truth is the exception, falsehood the rule. If I am to believe one-half of the statements I have heard they are a pack of unprincipled knaves, unconvicted smugglers, and would as soon swear to a lie as tell one.

The whole matter can be summed up in a few sentences: It is my interest, far better for me, to sign and seal all invoices, and thereby become a favorite with the shippers who are making fortunes out of a country that they have no feeling for but one of enmity; it is a great deal of trouble for me to refuse to sign them. If I accommodate the merchants I disobey the laws of my country and the positive instructions of the Department of State; if I do not sign those that I have the best of reasons for believing to be incorrect, I obey the laws and execute the instructions of my superior, the honorable Secretary of State. It was to obey the laws of the United States, and to carry out the instructions of the Departments of State and Treasury that I was sent here, not to have an alliance with any merchant or merchants. If they comply with the laws, and present invoices that set forth what I believe and know to be the true value, I assure you they will have no difficulty in having them certified, and you will not be troubled with any complaints about my rudeness; if they do not comply with the laws, and if the prices set forth are, in my opinion, incorrect, I shall not sign them. When a soldier I obeyed my general, now that I am a consul I shall certainly obey the instructions of the Department of State in preference to all the merchants of Cadiz. It, by doing so, I incur their ill will I cannot help it, but I hope you will bear in mind that a wine shipper is a very interested party in the certification of invoices and that a consul is not, and that the statements of all, including the counts and those who expect to be dukes, shippers, should be taken with a considerable quantity of salt, *cum grano salis*, when they state that the consul has declined to certify their invoices.

I am ready (the Department of the Treasury is advised of my action) to prove to the Department of State that I have had good cause for my action, and I can also prove and present the statements of men who have been in the wine business for thirty and forty years that the invoices I have declined to certify are incorrect.

I think the interest of the public service would be benefited if I were to visit Madrid and have an interview with you on this subject, but I cannot go there at my expense. My salary will not permit me to indulge in such expenses.

I hope you will consider this letter a satisfactory answer to the complaint of the Count de Torres, and I beg to assure you I am only endeavoring to do my duty as an American consul ought to do it, and have the honor to remain,

With sincere respect, your obedient servant,

R. F. FARRELL,
United States Consul.

Hon. JOHN P. HALE,
United States Minister, Madrid.

Schedule of wines shipped on board the Russian bark Levorni, Nordberg, master, without invoices.

Shippers.	Consignees.	Hhds.	Quarters.	Octaves.
J. Bensusan.....	To order		35	163
F. Rudolph.....	do.....		600	
F. de Arbe & Co.....	George Miln.....		40	40
Do.....	Galwey, Casado & Co.....		60	80
Do.....	Gomez, Wallis & Co.....			92
Do.....	Peznant, Bro. & Co.....		50	52
A. de Arambru.....	H. Balzer.....	4	50	12
		4	835	439

Schedule of wines shipped on board of the American schooner Loyal Scranton, Lowden, master, without invoices.

Shippers.	Consignees.	Hhds.	Quarters.
Lacave & Echecopar.....	Unknown.....		672
J. Bensusan			203
J. Febrés.....			25
J. de Arbe & Co.....			156
A. de Arambru		6	60
		6	1,116

Mr. Seward to Mr. McCulloch.

DEPARTMENT OF STATE,
Washington, December 13, 1866.

SIR: Enclosed herewith I have the honor to send you copy of despatch No. 53, from our consul at Cadiz, on the subject of furnishing samples of goods to the collectors of customs, and asking further instructions on the subject. I commend the same to your attention.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. H. McCULLOCH,
Secretary of the Treasury.

Mr. McCulloch to Mr. Seward.

TREASURY DEPARTMENT,
December 18, 1866.

SIR: I have the honor to acknowledge the receipt of your communication of the 13th instant, enclosing copy of despatch No. 53, from the United States consul at Cadiz, dated the 15th ultimo.

In referring to the letter of this department addressed to you on the 17th of October last, (copy of which accompanied your despatch to him of October 25,) the consul expresses his inability to comprehend the purport of said letter, because it contains no authority for him to purchase samples, &c., although said letter authorized the acting consul at Lyons to make such purchases to the extent of two hundred dollars.

In regard thereto I have the honor to state that the department did not intend to authorize the consul at Cadiz to make any disbursements at present for samples, &c., it not being deemed essential to the protection of the revenue that the purchase of samples should be extended to any considerable degree.

I am, very respectfully,

H. McCULLOCH,
Secretary of the Treasury.

Hon. W. H. SEWARD,
Secretary of State, Washington, D. C.

Mr. F. W. Seward to Mr. Farrell.

No. 39.]

DEPARTMENT OF STATE,
Washington, December 20, 1866.

SIR: Your despatch No. 52, dated November 6, 1866, has been received.

The department has no authority to authorize the publication, by you, of the laws referred to, at the expense of the government.

I transmit herewith, in reply to your No. 53, heretofore acknowledged, a copy of a letter from the Secretary of the Treasury, dated the 18th instant, to whom your despatch had been given.

I am, sir, your obedient servant,

F. W. SEWARD,
Assistant Secretary.

R. F. FARRELL, Esq.,
United States Consul, Cadiz.

Mr. Tassara to Mr. Seward.

[Translation.]

No. 32.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, January 8, 1867.

Various merchants of Cadiz have addressed to his excellency the minister of state of her Majesty an exposition, which the undersigned has the honor to send in copy to the honorable Secretary of State of the United States, complaining of the conduct followed by the consul of the United States at Cadiz, who has refused to certify the invoices of wines prepared at Keresana, presented in triplicate by the signers of said exposition, the prices of said wines being less than twenty dollars the quarter pipe, objecting that the wines were worth more, and refusing to listen to reasons or receive proof to the contrary.

The honorable Secretary of State will see in the annexed copy the reasons and explanations on which the parties interested rely to prove that the price expressed in the invoices is that which the wines are really worth.

The parties interested seeing that it was impossible to obtain the certification they desired from the consul of the United States, and the wines being shipped on vessels ready to sail, there remained to them no other alternative than to go to the consul of Great Britain, that he might certify the invoices referred to.

The undersigned has received from his government instructions to address himself to the honorable Secretary of State, to the end that, taking into consideration the reasons alleged by the parties interested in fixing the price of their wines, and the necessity they were in to appeal to another consul to obtain their certificates, he may deign to direct what is proper for the purpose of saving them from any prejudice on the arrival of the shipment spoken of at New York.

It appears also, that, by reports from the same consul, difficulties have been made at the custom-house in New York about the entry of other wines sent anteriorly.

The undersigned need not dwell on setting out the damages which may ensue to commerce between Spain and the United States, through the exaggerated requirements on the part of consuls in estimating the value of wines and other merchandise, when the collection of duties ad valorem is in question. Perhaps it would be possible to establish a rule by which, avoiding, as far as possible, fraud on the part of merchants, arbitrariness on the part of consular functionaries might also be avoided.

The undersigned avails of this occasion to reiterate to the honorable Secretary of State the assurances of his highest consideration.

GABRIEL G. TASSARA.

Hon. SECRETARY OF STATE
of the United States



[Translation.]

CADIZ, November 12, 1866.

HIS EXCELLENCY THE MINISTER OF STATE: The subscribing merchants, exporters of wines, established in this city and that of port St. Mary, manifest to you, with all respect, that on making lately their shipments of low-priced wines prepared at Jerez, for the ports of the United States, the consul of that republic refused to certify the invoices presented in triplicate, and which prices were less than twenty dollars on the quarter pipe, objecting that the wines were worth more, and choosing not to ask explanations nor listen to remarks, nor to admit evidence to the contrary. Besides, the exponents know that at the custom-house in New York there are difficulties in passing wines that have now been there for some time, as well as those recently arrived, in consequence, it is believed, of reports, assuredly unfounded, sent by this consul to the government at Washington. To the exponents, in view of the refusal of this consul to certify the invoices of values of wines already shipped on vessels about to sail, there remained no alternative but to recur to the consul of Great Britain in this place, in order that he might certify the invoices referred to. What fortune may betide these shipments on the voyage to New York it is difficult to foresee. The actual regulation of the custom-houses of the United States for shipments of wine requires that every one who makes a shipment to the ports of that country should present to the American consul an invoice in triplicate, with the values of the wines, which include the market cost, all the expenses of purchase, preparation, shipment, commission and other charges, until placed on board, under a declaration sworn to that such values are just and true. This American

consul published, moreover, a short time since, a notice to the effect that, on presenting invoices of shipment for his certificate they must bring to him specimens (musters) of the wines they were shipping. Those who apply to your excellency complied with all these requisites, and despite thereof the consul has refused, as has been said, under pretext that the wines were worth more, and this only on tasting, and sometimes only on looking externally at the musters. His skill in wines should be great; but the short time of his residence in this place, and want of contact with wine dealers, not having visited our cellars, makes it doubtful whether his acquaintance with the business is of any value.

The wines which are exported for the New York market are of the lowest qualities known by the name of sherry. They are made up of wines from the sands of port St. Mary, wines of Rotu, of Chickana, called de renoz, and essentially of wines of Moguer Palos, San Juan, Triqueros, and others in the province of Hueloa, the lower part of the province of Seville, and much from the eastern provinces, where they have been worth and are worth the low-priced wines only. The exponents, to prove to you the truth of their assertions, and the justice which induces them to have recourse to your authority in their call for aid and protection, demonstrate, in continuation, what is the cost of a quarter cask of low wine, which, under the name of sherry, is shipped for the markets of the United States. Taken at the high price, all that the most scrupulous could ask, they place white wine, which serves as the basis for the preparation, at forty dollars of fifteen reals vellon, and make the following calculation:

28 arrobas of such wine, at 40 dollars for 32 arrobas, is, reals vellon.....	525
2 arrobas c., at 50 reals vellon the arroba.....	100
2 arrobas of brandy, at 40 reals vellon the arroba.....	80
<hr/>	
32 arrobas the pipe of 4 quarter casks, reals vellon.....	705
Eggs and clay for clarifying.....	10
Laborers for all the work.....	20
Hire of cellar, per head.....	20
Cartage to wharf and on board.....	8
4 new quarter casks at 60.....	240
<hr/>	
Total cost, reals vellon.....	1,003
<hr/>	

For a pipe, or say 4 quarters of 3 arrobas each, there turns out, as is seen, a 4 (quarter) at \$12 55 on board in the bay of Cadiz; add to that 2½ per cent., net charge of commission, gives result \$12 86 the quarter, including all American legislative requiring, and from that price up to \$16 or \$17 the quarter, at which the exponents make their wines, and it may be seen if there be any holding of values, or rather if there be not an excess in fixing values. The exponents, notwithstanding, although what they have said is so notorious as to the prices and market for low wines, might, at any time and moment, prove what they have stated, as well by the entries of purchases in their books as by means of the runners and agents for vineyards in the different districts cultivating grapes in this province. Hueloa, Seville, and others, in confidence the result of such investigation must be favorable to them, by giving lower prices even than those fixed above, can offer proof, should other proof be needed, clear, determinate, and assuring confidence, that the low wines called sherry cannot be, and ought not to be, made for the United States at above \$16 to \$17, at which the exponents make them. There is nothing more to do than to take the great number of butts of low sherry wines which are sent to the London market to be sold there at the price of sixteen pounds sterling and under, deduct from these prices the heavy charges of the port of London, and you will see what a pipe produces, net. But, besides the wines the exponents send to New York are sold there currently from ninety

cents to a dollar and fifteen cents a gallon at mean terms ; at one dollar and five cents the gallon with long credit, according to marks, circumstances, by lots ; let the heavy duties on importation be deducted, freights, charges, interest, guarantees, commissions, and others, and it will be known that the wines in question are not worth here more than the invoice price. From your clear intelligence it cannot be hidden what serious injuries must fall on the wine-growing provinces in general and on the exponents in particular, from the obstructions and difficulties, quite unjustifiable, interposed by this consul and by his government, the United States. It is necessary, therefore, to take means, with all the urgency the case requires, to remove these difficulties, or rather, unfounded prejudices, of that government, and of this consul, and in aid thereof these exponents approach you, requesting you to take such steps as may conduce to protect and restore the interests of the exponents, so unjustly injured and interfered with, by having recourse to the minister of the United States at this court, to our worthy representative near the government at Washington, and whatever else there may be needful, a favor they expect to receive from the so well known enlightenment and good judgment of his excellency.

A. DE ARAMBUROI.
FEDERICO RUDOLPH.
J. BERESUSAN.
BART'ME VERGAVA.
M. LUIS VESTA & CO.
FAUSTERO DE ARBE & CO.

True version :

TASSARA.

Mr. Seward to Mr. Tassara.

DEPARTMENT OF STATE,
Washington, January 16, 1867.

The undersigned, Secretary of State of the United States, has the honor to acknowledge the receipt of Mr. Tassara's note of the 8th instant, and, in reply, to inform him that the subject of the complaint to which it relates, which has been made against the United States consul at Cadiz by various merchants of that place, has been referred for consideration to the Secretary of the Treasury, whose views upon the subject will be duly communicated to Mr. Tassara.

The undersigned offers to Mr. Tassara on this occasion renewed assurances of his highest consideration.

WILLIAM H. SEWARD.

Señor DON GABRIEL GARCIA Y TASSARA, &c., &c., &c.

Mr. Seward to Mr. McCulloch.

DEPARTMENT OF STATE,
Washington, January 16, 1867.

SIR : I have the honor to submit for your consideration a copy, in translation, of a note of the 8th instant, which has been addressed to this department by Mr. Tassara, the minister of Spain, concerning a complaint on the part of certain merchants of Cadiz of the conduct of the United States consul there, who, it is alleged, has refused to certify invoices of wines prepared at Keresana and presented in triplicate to the consul, objecting that the wines were worth more than the prices represented, and refusing, as is stated, to listen to reason or receive proof to the contrary.

I will thank you for an expression of your views upon the subject of Mr. Tassara's suggestions.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. HUGH McCULLOCH,
Secretary of the Treasury.

Mr. McCulloch to Mr. Seward.

TREASURY DEPARTMENT, *January 21, 1867.*

SIR: Messrs. P. Harmony's nephews of New York have advised this department that the United States consul at Cadiz has refused to certify to certain invoices embracing some octaves of sherry wine, on the ground that the importation of wine in casks of a less capacity than thirty gallons is prohibited by the first section of the act of July 28, 1866.

This department is of opinion that under the above law no restriction is placed upon the quantities in which wine may be imported into the United States, except when imported in bottles, as therein provided.

I have the honor to request that you will cause the necessary instructions to be issued to the consul at Cadiz informing him of the views of this department in the matter, and to transmit to him for his information and guidance the copy of act herewith enclosed.

I am, very respectfully,

H. McCULLOCH,
Secretary of the Treasury.

Hon. WILLIAM H. SEWARD,
Secretary of State, Washington, D. C.

NEW YORK, *January 17, 1867.*

SIR: We beg leave to state that some correspondents of ours in Cadiz, who have been in the habit of directing sherry wines to our consignment in quarter casks and octaves, (the former of the capacity of not less than thirty gallons, and the latter about half the size,) have just informed us that the United States consul at that port has refused to certify an invoice embracing some octaves of sherry wine, on the ground that the importation of wines in casks of less than thirty gallons is prohibited by the act of July 28, 1866, (public No. 180,) entitled "An act to protect the revenue, and for other purposes."

Now, on referring to the act in question, in one of the first clauses of the act which the consul cites as his authority it is stated that "brandy and other spirituous liquors may be imported in casks or other packages of any capacity not less than thirty gallons, and that wine in bottles may be imported in boxes containing not less than one dozen bottles of not more than one quart each."

The meaning of the clause in question appears to us too clear to admit of any doubt, viz: that the prohibition of packages not less than thirty gallons applies only to brandy and other spirituous liquors, and not at all to wines.

We shall be obliged by your informing us if we are correct in our interpretation of the act alluded to, and whether we may authorize our friends in Cadiz to ship their wines in octaves, if they consider it desirable to do so.

Apologizing for the trouble we are giving you, and begging the favor of a reply as soon as your convenience will permit,

We remain, very respectfully, sir, your obedient servants,

P. HARMONY'S NEPHEWS & CO.

Hon. SECRETARY OF THE TREASURY,
Washington, D. C.

P. S.—If we have interpreted the meaning of the act correctly, we would respectfully urge the necessity of forwarding official instructions to the United States consul at Cadiz accordingly.

P. H. N'S & CO.

Mr. Hunter to Mr. Farrell.

No. 40.]

DEPARTMENT OF STATE,
Washington, January 31, 1867.

SIR: Enclosed herewith you will find a copy of a letter addressed to this department by the Secretary of the Treasury, giving his opinion as to the error into which you have fallen in refusing to certify invoices of sherry wine imported in casks of a less capacity than thirty gallons.

You will also find enclosed a copy of the act "to protect the revenue and for other purposes" sent you for your information.

You will hereafter conform your action with the opinion of the Secretary of the Treasury.

I am, sir, your obedient servant,

W. HUNTER,
Second Assistant Secretary.

R. F. FARRELL, Esq.,
United States Consul. Cadiz.

Mr. Seward to Mr. McCulloch.

DEPARTMENT OF STATE,
Washington, February 1, 1867.

SIR: Your letter of the 21st instant, with regard to the action of our consul at Cadiz in refusing to certify invoices of wine exported from his port, in quantities less than thirty gallons, has been received. A copy has been sent to the consul with instructions to conform his future action with the opinion expressed in your letter.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. H. McCULLOCH,
Secretary of the Treasury.

Mr. Hunter to Mr. Farrell.

[Extract.]

DEPARTMENT OF STATE,
Washington, February 2, 1867.

SIR: Your despatches from No. 54 to No. 58, both inclusive, have been received. No. 54 will receive consideration.

* * * * *

I am, sir, your obedient servant,

W. HUNTER,
Second Assistant Secretary.

R. F. FARRELL, Esq.,
United States Consul, Cadiz.

H. Ex. Doc. 33—2

Mr. Tassara to Mr. Seward.

[Translation.]

No. 8.]

LEGATION OF SPAIN AT WASHINGTON,
Washington, February 5, 1867.

With reference to the note which the undersigned, minister plenipotentiary of her Catholic Majesty had the honor to address to the honorable Secretary of State of the United States, dated 8th of January last, placing under his consideration a complaint made against the consul of the United States at Cadiz for refusing to certify the invoices of wines of Xeres which were presented for shipment intended for the United States, by supposing that the true prices of such wines were higher than those expressed in the invoices, must also to-day claim the attention of the honorable Secretary of State to the complaint which other merchants of Cadiz, Messrs. Lacave & Checopar have presented.

While I await other proofs and documents, which, like those already sent to the department, make manifest the arbitrariness of the said consul, doing by his conduct serious injury to Spanish commerce with the United States, and by refusing on the other hand any examination into proofs and dates which would convince him of the truth, I must to-day limit myself to stating that Messrs. Lacave & Checopar shipped a cargo of wine on the Russian ship *Suone*, after having obtained the certificate of the consul of the United States. He refused to certify 672 quarter casks which were shipped on the American *Loyal Scranton*, it being the fact that these wines were the same as those which, invoiced at the like price, the ship *Suone* was to have carried, they having been left behind for want of room.

The *Loyal Scranton* nevertheless sailed for her port, and for this reason reiterating the note of the 8th of January.

The undersigned hopes that orders will be given not to place any difficulties in the way of the landing of these wines, which, through the act of the consul at Cadiz, have come to hand without the certificates which the custom-houses require, and that the government of the United States will give to this question the importance which it deserves, in order that in future the Spanish merchants engaged in a traffic which has not until now been the object of the slightest difference on the part of consuls of the United States may not find themselves obliged to make reclamations.

The undersigned avails of this occasion to reiterate to the honorable Secretary of State the assurances of his highest consideration.

GABRIEL G. TASSARA.

Hon. SECRETARY OF STATE
of the United States.

Mr. Seward to Mr. McCulloch.

DEPARTMENT OF STATE,
Washington, February 13, 1867.

SIR: Referring to a letter addressed to you by this department on the 16th ultimo, upon the subject of a complaint made against the consul of the United States at Cadiz, for refusing to certify certain invoices of wine, I have now the honor to enclose a copy, in translation, of a further note, relating to the matter, from Mr. Tassara, the minister of her Catholic Majesty, dated February 5.

I am, sir, your obedient servant,

WILLIAM H. SEWARD.

Hon. HUGH McCULLOCH,
Secretary of the Treasury.

Mr. Jordan to Mr. Seward.

TREASURY DEPARTMENT,

Solicitor's Office, February 18, 1867.

SIR: I have the honor to inform you that R. F. Farrell, esq., consul at Cadiz, in a letter to me under date of the 8th ultimo, states that the exporters of wine in that vicinity are procuring voluminous *ex parte* certificates of vine-growers and others, their friends, as to the original cost of the low wines which they manufacture into imitation sherries for exportation to this country, with a view to disprove alleged undervaluations in invoices. He is of opinion that such certificates will be deceptive, and should be met by counter ones, and he suggests that he be authorized himself to visit the vine-growing districts, which are at some distance from Cadiz, to procure evidence from the merchants and others there, employing an interpreter.

I am authorized by the Secretary of the Treasury to say that this suggestion is deemed important, and should be accepted, and to ask that leave of absence may, if the public service will permit, be granted to Mr. Farrell for the period of, say, six weeks or less—all expenses to be borne by this department.

I have the honor to be, very respectfully, your obedient servant,

EDWARD JORDAN,

Solicitor of the Treasury.

HON. W. H. SEWARD,

Secretary of State.



LETTER
OF
THE SECRETARY OF WAR,
COMMUNICATING,

In compliance with a resolution of the Senate of February 13, 1867, a report of the Quartermaster General respecting a military commission in Nashville, Tennessee, during the war, for the adjudication of claims of loyal citizens of Tennessee.

MARCH 2, 1867.—Read and ordered to lie on the table and be printed.

WAR DEPARTMENT,
Washington City, March 1, 1867.

SIR: I have the honor to transmit herewith a report of this date by the Quartermaster General of the army, respecting a military commission established in Nashville, Tennessee, during the war, for the adjudication of claims of loyal citizens of Tennessee, containing the information called for by a resolution of the Senate of February 13, 1867.

Very respectfully, sir, your obedient servant,

EDWIN M. STANTON,
Secretary of War.

Hon. L. F. S. FOSTER,
President of the Senate.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., March 1, 1867.

SIR: In response to the resolution of the Senate of the United States of the 13th of February, 1867, directing the Secretary of War to report to the Senate "by whose authority the military commission was established in Nashville, Tennessee, during the war, for the adjudication of claims of loyal citizens of Tennessee for property taken for the use of the army, together with the names of the commissioners and claimants, and the amount of the several claims adjudicated," I have the honor to submit the following:

1. A copy of the order (paragraph three, Special Field Order No. 69, headquarters department of the Cumberland, March 13, 1863) appointing the commission, A. On the 14th of May, 1863. Captain E. C. Hutton, twenty-second Michigan volunteers, was detailed a member of the board, *viz* Captain Van Osdal, resigned. July 27, 1863, Lieutenant Colonel J. W. Langley and Captain J. J. Donnelly were qualified as members of the board. September 21, 1863, Captain Israel D. Huckins, tenth Michigan volunteers, was detailed as

member of the board, *vice* Donnelly. March 3, 1864, Lieutenant Colonel C. J. Dickenson, tenth Michigan volunteers, and W. J. Cochran were detailed as members of the board.

2. A copy of the list containing the names of the claimants, the number of each claim, the amounts claimed and amounts awarded, showing the amounts awarded against the quartermaster and subsistence departments, respectively, and the amounts awarded as "damages," B.

3. A copy of the report of Mr. Driver, recorder of the commission, to Major General George H. Thomas, commanding department of the Cumberland, dated March 17, 1864, C.

4. A copy of list of 520 "untried claims," transferred from the above-named commission to "new board," D.

5. A copy of a letter addressed from this office to the Hon. Horace Maynard in reference to these claims is also enclosed, E.

The resolution of the Senate is herewith respectfully returned.

I am, sir, with great respect, your obedient servant,

D. H. RUCKER,

Brevet Major General U. S. A., Acting Quartermaster General.

Hon. EDWIN M. STANTON,

Secretary of War.

A.

[Special Field Order No. 69.]

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND,
Murfreesboro, March 13, 1863.

III...A board of commissioners consisting of three citizens and two officers is hereby appointed to investigate and report upon the damages sustained by the citizens of Nashville and vicinity, from the occupation of the place by the military forces of the United States.

Detail for the board.—Honorable Russell Houston, William Driver, esq., Horace H. Harrison, esq., Captain A. D. Vanosdal, third Indiana cavalry, and Captain S. F. Allen, twenty-ninth Indiana volunteers.

The board will meet on Monday next, March 16, at 10 o'clock a. m., at such place in the city of Nashville as they may select, and all claims for year ending December 31, 1862, must be presented before April 1, 1863.

By command of Major General Rosecrans :

H. THRALL,

Captain and Assistant Adjutant General.

QUARTERMASTER'S OFFICE, *March 1, 1867.*

A true copy:

BENJAMIN C. CARD,

Brevet Brig. Gen. and Acting Quartermaster.

CLAIMS OF LOYAL CITIZENS OF TENNESSEE.

3

B.

List of claims acted upon by a commission at Nashville, Tennessee, appointed by Special Order No. 69, headquarters department of the Cumberland, March 13, 1863.

No. of claim.	Names of claimants.	Quartermaster's dep't.	Com. Sub. department.	Damages.	Award.	Amount claimed.	Remarks.
346	Aldrich, Joseph A.	\$1,482 50			\$1,482 50	\$6,778 00	Disloyal.
1028	Austin, J. H.	62 50			62 50	75 00	
151	Alexander James.	136 00			143 00	594 00	
1217	Allen, Mrs. Susan.	2-9 00	\$7 00		2-9 00	409 00	
735	Ambrose, Joseph.	45 30			45 30	376 00	
1225	Armstrong, William.	50 00			50 00	50 00	
1030	Anthony, Philip.	400 00	30 00		430 00	695 00	
368	Adams, Harvey.	350 00		\$120 00	470 00	945 00	
69	Armstead, W. H.	402 00			402 00	622 00	
163	Abbey, Richard.	170 00			170 00	516 40	
378	Ament, Samuel P.	342 00	20 00	495 00	847 00	2,010 00	Disloyal.
375	Allen, Shadrach L.	75 00	20 00	154 00	249 00	445 75	
712	Allen, Matthew.	150 00	98 00	50 00	298 00	579 50	
114	Abbot, George B.			35 40	35 40	120 50	
297	Anderson, Matthew.	835 00	485 00	171 00	1,901 00	2,085 00	
950	Allen, John W.	82 75	20 00		102 75	270 00	
1332	Adkinson, Tillman T.	405 00		100 00	505 00	843 50	
1474	Atkinson, Mary P.	40 00			61 00	121 50	
1474	Alben, Manlius B.	100 00	24 00		100 00	125 00	
1252	Allen, William.					212 50	No evidence.
1019	Allison, William C.					210 00	No evidence.
496	Anderson, John F.					470 63	No evidence.
1216	Allen, Mrs. Elizabeth.	365 00			365 00	670 00	
1265	Anderson, James.	350 00	25 00	100 00	475 00	904 00	
1378	Buchanan, William M.	245 00			245 00	310 00	
1553	Ball, David.	292 00			292 00	1,132 00	
417	Binkley, Patterson.	116 00			116 00	540 00	
773	Brown, Mrs. A. V.		220 00	68 00	286 00	320 00	
601	Butterworth, John.	542 00			542 00	1,335 00	Disloyal.
629	Burch, Lemuel.	595 00	20 00		545 00	1,644 00	

List of claims acted upon by a commission at Nashville, Tennessee--Continued.

No. of claim.	Name of claimants.	Quartermaster's dep't.	Com. Sub. department.	Damages.	Award.	Amount claimed.	Remarks.
924	Billard, P.	\$62 00			\$62 60	\$373 18	
1304	Byers, John M.	125 00			125 00	150 00	
100	Baker, John L., sr.	200 00	\$21 00	\$50 00	371 60	600 00	Disloyal.
637	Berry, W. W.	2, 188 90			2, 188 90	7, 643 10	Disloyal.
658	Bryant, Knechen	64 70	10 00		74 70	178 00	
1240	Balch, David L.	202 00			202 60	295 50	
959	Bryant, Mrs. M. A.	20 64	25 00		51 64	156 00	
972	Brudley, B. W.	70 00			70 00	402 40	
761	Bruen, Mary R.	614 00			614 00	1, 000 00	Disloyal.
957	Bright, Daniel, and wife	924 00			924 00	2, 288 40	Disloyal.
1157	Butler, A. W.	100 00			100 00	127 60	Unsupported.
1300	Baugh, Mrs. S. E.					100 00	Unsupported.
1160	Barnes, B. J.	75 00			75 00	500 00	
1146	Binkley, James	80 50			80 50	75 40	
233	Brown, Philip	103 50	100 30		203 50	114 45	
175	Baker, James	410 00			410 00	1, 704 00	Disloyal
1343	Bond, G. W. C.	56 00		25 00	81 00	665 00	
905	Bankhead & Hamilton	32 50			32 50	300 00	
176	Baker, W. D.	75 25		42 00	117 25	51 00	
406	Bowers, Jerry	110 00		2, 000 00	2, 000 00	1, 164 00	
337	Brown, C. D.	140 00			140 00	3, 500 00	
963	Borham, E. R.	50 00		50 00	100 00	500 00	
1227	Henry, Richard					368 00	
916	Bell, Thomas	50 00		50 00	100 00	175 00	Withdrawn.
6	Beech, A. B. & C. D.						Unsupported.
1302	Rowling, Benjamin, (colored)					100 00	
884	Baker, G. W.	15 00	15 00		15 00	75 00	
862	Bledsoe, Eliza and Ariana			454 90	454 90	900 00	
1000	Bell, James	55 00			55 00	90 00	
31	Brennan, T. M. & J. E.	21 00	6 00	4, 500 00	4, 527 00	8, 415 00	Labelled by United States.
733	Burnett, Henry	157 50	20 50	45 00	223 00	320 00	
80	Bata, J. E.	9, 400 00	713 00	215 00	2, 728 00	1, 623 40	Disloyal.
500	Baker, William					4, 093 00	
601	Bryan, G. W.					1, 332 60	

445	Byser, Thomas	2,425 00	100 00	.....	2,525 00	3,681 00	Disloyal.
400	Ruchanan, Lucinda	59 12	100 00	.....	159 12	790 00	
328	Bosley, Alsey, (colored)	125 00	.....	.....	125 00	2,415 90	
426	Butt, Arthur	15 50	.....	50 00	65 50	98 00	
384	Baker, Francis E.	73 00	.....	.....	73 00	99 00	
1318	Berlily, Edward	110 00	.....	.....	110 00	252 00	
185	Bigley, E. B.	60 50	20 00	.....	86 50	197 00	
900	Bolton, George .....	.....	.....	205 00	205 00	235 00	
96	Bowers, Bradford	176 50	120 00	.....	296 50	847 00	
706	Bender, Burrel	630 00	.....	114 00	744 00	987 00	
110	Bosley, Charles	977 50	.....	434 50	1,412 00	1,949 00	Disloyal.
1305	Bradley, Miss Margaret	110 00	.....	.....	110 00	200 00	
198	Benton, Margaret	180 00	15 00	.....	195 00	1,555 00	
249	Burton, Elizabeth	3,567 00	704 00	114 00	4,385 00	7,601 62	
1001	Buchanan, Catherine	85 50	93 50	.....	179 00	179 00	
407	Buchanan, Alexander	128 25	.....	.....	128 25	125 00	Disloyal.
347	Brown, Aus.	3,582 15	389 85	.....	3,972 00	3,976 00	Disloyal.
648	Baker, L. A.	648 00	72 00	18 00	778 00	3,548 00	
1210	Berry, R. & B.	775 40	.....	.....	775 40	1,061 00	Disloyal.
605	Bosley, John B. ....	.....	.....	.....	.....	447 00	Unsupported.
674	Ballew, Thomas H.	265 00	.....	.....	265 00	351 00	
967	Bradley, James E. ....	.....	.....	.....	.....	122 00	Unsupported.
946	Boyd, J. H.	610 00	8 63	.....	618 63	812 75	
569	Bonner, C. S.	57 50	.....	.....	57 50	57 50	
115	Bryant, Smith & Rogers	111 00	.....	.....	111 00	506 60	
159	Bertheol, Julian .....	.....	122 00	.....	122 00	206 00	
569	Brown, Nathaniel	229 50	.....	.....	229 50	2,317 62	
563	Bond, Joshua	285 00	.....	.....	285 00	697 50	
474	Brannon, Alexander .....	.....	.....	.....	.....	2,050 00	Unsupported.
389	Baker, Hiram B. ....	.....	2 50	.....	2 50	320 00	Disloyal.
409	Billings, Amelia .....	.....	.....	.....	.....	55 00	Unsupported.
554	Blair, Robert	91 40	14 00	.....	104 40	227 00	
393	Bland, Joseph A.	89 00	.....	.....	89 00	1,250 00	
500	Baker, Henry	15 00	.....	6 40	21 64	75 00	
540	Bethel, Thomas	27 00	.....	25 00	52 00	230 00	
851	Bateman, John L.	204 75	.....	.....	204 75	204 75	
885	Barraw, J. C.	52 00	133 00	10 00	200 00	557 00	
142	Burch, G. W.	110 00	1 40	.....	111 40	328 34	
36	Brown, Jane R. ....	.....	.....	62 00	62 00	400 00	
592	Brennan, Joseph A.	50 00	5 00	.....	55 00	235 00	

CLAIMS OF LOYAL CITIZENS OF TENNESSEE.

List of claims acted upon by a commission at Nashville, Tennessee—Continued.

No. of claim.	Names of claimants.	Quartermaster's dept.	Com Sub. department.	Damages.	Award.	Amount claimed.	Remarks.
637	Reech, A. B.	\$118 00			\$118 00	\$1,280 50	Disloyal.
121	Reasley, George H.					413 00	Unsupport.
657	Royd, William.	84 00		\$100 00	184 00	205 00	
587	Rollee, R. S.	235 00			235 00	275 00	
546	Baker, Andrew J.	360 00	\$32 00		292 00	1,220 00	Disloyal.
1182	Compton, Henry.	203 50	24 00		227 50	336 70	Disloyal.
73	Covart, O. C.	130 00	108 00		228 00	428 00	
656	Compton, Henry W.	11,527 21	725 00		12,252 21	20,986 11	Disloyal.
1373	Casidwell, J. R.	60 50			60 50	60 50	
137	Corbett, W. P.	4 00	20 00		24 00	188 30	
211	Cato, W. H.	375 00			375 00	560 00	
640	Connels, E. F., administrator.	172 00		123 75	295 75	386 00	
146	Cato, John.	760 00	175 00		935 00	2,230 00	
149	Cantrell, Isaac F.	457 50			457 50	875 50	Disloyal.
404	Champion, H. B.					1,000 00	Unsupport.
377	Chadwell, R.	175 00	195 00		370 00	500 00	
641	Connell, Olivia.	686 00			686 00	1,077 45	
659	Quinnigham, E.		125 00		125 00	280 25	
667	Crockett, Mrs. Mary.					457 00	Unsupport.
95	Chumley, J. A.		100 00		100 00	125 00	
744	Cummings, John A.	30 00		694 00	724 00	892 00	Disloyal.
711	Conner, Dennis.			40 00	40 00	135 00	
709	Campbell, W. G. M.	2,515 70		506 00	3,021 70	6,733 00	Unsupport.
582	Chadwell, John.					149 85	
1190	Crockett, A. J.	499 00	80 00	227 50	797 50	1,736 50	Unsupport.
1304	Caraway, Mrs. Mary.					100 00	
5030	Cummings, John.	120 60	75 00	240 00	435 00	1,025 00	
1170	Cato, Robert.	1,187 50			1,187 50	1,484 00	
660	Cartwright, R. H.	108 00			108 00	172 20	
685	Caffrey, Henry.	125 00	30 00		125 00	45 00	
1720	Colton, Henry B.					176 00	Disloyal.
1348	Cole, A. B.	1,070 00	493 00	700 00	2,263 00	775 00	Disloyal.
1349	Coleman, J. Jackson.	205 20	21 50	1,231 00	1,457 70	2,672 50	

1975	Chickering, Sarah	132 00	69 00	.....	.....	210 00	
1980	Crockett, Mary	1,177 90	20 00	.....	.....	1,736 00	Trustees disloyal.
1983	Chapel, Hobson's	.....	.....	600 00	.....	616 00	
1992	Carey, Mary J. and Emma C	.....	.....	58 00	.....	214 00	
202	Childress, E. H.	127 00	163 00	200 00	.....	2,193 00	
1237	Coleman, W. F. T.	2,025 00	412 00	10 00	.....	4,494 00	Disloyal.
1627	Copland, J. B.	.....	.....	200 00	.....	606 00	
199	Clifton, Thomas	278 00	231 00	170 00	.....	1,980 00	
371	Clark, Donald	60 00	68 00	.....	.....	128 00	
948	Cotton, Allen	491 50	.....	.....	.....	2,302 50	Disloyal.
1170	Carver, D. F.	.....	.....	500 00	.....	1,000 00	
1000	Chadwell, J. P.	.....	.....	300 00	.....	1,050 00	
1229	Carpenter, W. B.	125 00	.....	.....	.....	125 00	
43	Calhoun, John	.....	.....	782 00	.....	1,380 00	Disloyal.
99	Cook, Fielding P.	82 00	.....	510 00	.....	1,175 00	
338	Casry, Samuel	361 00	96 00	.....	.....	457 00	
1296	Crockett, R. A.	65 00	.....	.....	.....	65 00	
304	Cox, Mary E.	184 00	104 00	.....	.....	288 00	
1258	Cobb, Sidney, Jr.	310 00	.....	.....	.....	310 00	
1240	Crockett, John B.	520 00	.....	.....	.....	520 00	
310	Cartwright, W. E.	26 50	9 00	.....	.....	35 50	
478	Cantrell, G. C.	150 00	223 00	.....	.....	375 00	Disloyal.
498	Clages, C. W.	.....	.....	32 00	.....	32 00	
244	Gain, Martin	.....	7 00	.....	.....	7 00	
939	Castleman, Charles W	160 00	.....	.....	.....	160 00	
460	Cockell, Milton	90 00	5 00	.....	.....	95 00	
130	Cook, Charles	287 00	57 25	.....	.....	344 25	
1332	Cardwell, William W	22 00	.....	.....	.....	22 00	
1317	Cartwright, W. E., administrator.	101 20	80 00	.....	.....	176 20	Disloyal.
803	Compton, Felix	9,027 10	.....	.....	.....	9,725 00	
1247	Childress, Samuel	75 00	.....	.....	.....	75 00	
850	Castleman, Lewis	409 25	.....	.....	.....	409 25	Disloyal.
1090	Chambers, Mrs. Fanny	113 50	.....	.....	.....	113 50	
514	Carper, A.	629 00	63 00	.....	.....	692 00	Disloyal.
473	Cotton, M. C.	.....	.....	286 00	.....	286 00	Disloyal.
1061	Cunningham, Enoch, jr.	40 00	10 00	.....	.....	50 00	
1064	Cheek, William M.	40 00	.....	.....	.....	40 00	
313	Coleman, G. W.	.....	.....	40 00	.....	40 00	
1385	Crossway, James C	.....	.....	2,650 00	.....	2,650 00	Disloyal.
228	Castleman, Andrew G.	1,871 75	320 00	.....	.....	2,191 75	Disloyal.
644	Counell, William	57 50	.....	.....	.....	57 50	

CLAIMS OF LOYAL CITIZENS OF TENNESSEE.

List of claims acted upon by a commission at Nashville, Tennessee—Continued.

No. of claim.	Names of claimants.	Quartermaster's dept.	Com. Sub department.	Damages.	Award.	Amount claimed.	Remarks.
1103	Crockett, Catherine W	\$1,752 50		\$75 00	\$1,927 50	\$3,462 00	
1442	Campbell, G. W.	255 00	\$155 25		413 25	568 00	
982	Campbell, G. W., Jr.		12 00		12 00	153 00	
983	Caruthers, Robert	822 50	322 50		1,145 00	1,555 00	Disloyal.
1274	Chapman, Francis W	160 00			160 00	212 00	
124	Clemens, Leroy C.	550 00		40 00	500 00	1,510 00	
1137	Cooper, J. A.	232 00		50 00	332 00	355 50	
1147	Croft, P. H.		100 00			90 00	
146	Croft, P. H.			90 00		135 00	
1149	Crockett, E. L.	29 00			29 00	34 80	
1157	Cooper, W. B.	284 00			1,003 00	1,985 00	Disloyal.
257	Cartwright, P. A.	1,242 50	8 40	710 60	1,362 50	2,819 40	Disloyal.
1111	Cartlier, F. W.	18 00			18 00	58 00	
492	Camp, W. C.	276 50			276 50	398 75	
1121	Cavel, Alfred	200 00			200 00	410 00	
1173	Casselman, W. W.	100 00			100 00	125 00	
1465	Crutcher, Marie E.				2,136 00	4,270 00	Disloyal.
980	Cavender, C. M.	2,136 00			2,691 00	2,697 50	Disloyal.
40	Curry, J. H.			601 00		200 00	
127	Corley, J. W.			50 00	50 00	200 00	
984	Corbett, Rachel			850 00	850 00	2,000 00	
1003	Copeland, J. C.	550 50		12 00	12 00	104 50	
78	Cutrus, William			3,000 00	3,550 50	5,132 00	
21	Cartwright, William					131 00	Unsupported.
103	Chippace & Bro.					100 00	Unsupported.
1303	Douglas, Byrd	617 15	330 00		947 15	717 00	Disloyal; sent check of \$100 to Pickens, S. C.
689	Dixon, Henry	113 25			113 25	2,470 25	
112	Davis, P. W., Sr.	316 00		7 50	323 50	735 50	
981	Daly, Matthew					125 00	Unsupported.
684	Donnan, Skellian	2,405 00	50 00	45 00	2,500 00	4,073 00	Disloyal
1274	Dona, H., and wife	1,200 00	30 00	1,500 00	2,700 00	3,921 10	Disloyal
1304	Davis, A. P.	1,465 00	100 00	141 00	1,550 00	3,650 00	Disloyal
12710	Davis, A. P.	200 00			200 00	400 00	
740	Dunham, James			120 00		400 00	

CLAIMS OF LOYAL CITIZENS OF TENNESSEE.

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682	Drake, E. B.	45 00	24 00	69 00	170 75	Disloyal.
689	Drake, W. J.	359 50	75 00	434 50	2,563 00	Disloyal.
776	Dunn, John G.	17 00		17 00	102 00	
1066	Draper, W. H.	260 00		260 00	200 00	
Q28	Dix, William	34 50		229 50	429 30	
65	Duerman, H.			49 50	150 00	
665	Dunn, A. G.	241 25	330 00	571 25	986 00	Disloyal.
137	Davidson, Samuel B.	1,526 00	610 00	2,224 00	5,357 25	Disloyal.
618	Demoss, Tom	371 50	22 50	394 00	2,442 90	Disloyal.
109	Dirr, Patrick	275 00		275 00	443 50	Disloyal.
380	Drake, John B.	327 50		327 50	607 00	
831	Dixon, William J.	203 00		203 00	254 00	
399	Daws, Reuben	132 50		132 50	132 50	
965	Dismukes, J. D.	12 50		12 50	35 00	
984	Dunn, Alfred	94 00	179 50	273 50	617 52	Disloyal.
1064	Draper, S. L.	160 00		160 00	200 00	
732	Denicos, Deliah	205 00		205 00	331 50	
1336	Devids, Isiah B.	82 00		82 00	84 00	
91	Dezaralows, Mary	729 50		1,227 50	1,974 10	
1129	Dezier, Dennis	1,220 00	768 00	2,028 00	2,631 75	Disloyal.
692	Davis, James W.	120 00		130 50	377 79	
279	Drake, H. C.	640 00	106 00	746 00	950 00	Disloyal.
983	Dexey, John L.	630 00		630 00	1,425 90	
185	Duko, W. S.	252 50	136 00	483 50	989 45	Disloyal.
676	Dezier, David I.	130 00	244 00	374 00	697 50	Disloyal.
1159	Dewitt, Harris	400 00		440 00	557 00	
306	Drake, Benjamin T.	710 00		729 20	1,091 00	Disloyal.
211	Duke, Rhoda A.	133 00	80 00	213 00	311 00	
419	Davis, W. A.	64 70	62 00	126 70	298 00	
34	Dwyer, William O.			102 00	173 00	Unsupported.
370	Dennmbrien, J. B.	94 50		94 50	1,075 00	
1226	Davis, Augusta				160 00	Unsupported.
320	Embry, Bowling			175 00	420 00	
457	Edwards, J. L.	120 00		120 00	130 00	
1226	Emley, C. P.	35 00		111 00	123 00	
304	Estate of E. A. C. Gee	159 00	20 00	179 00	256 00	
456	Ewing, William B.	170 00	67 50	237 50	439 00	Disloyal.
461	Everett, Elizabeth	1,235 50	83 50	1,319 00	1,74 30	Disloyal.
426	Edler, James	123 00		123 00	123 00	
526	Elam, R. R.	1,045 00	577 00	1,082 00	2,903 50	Disloyal.
140				100 00		

List of claims acted upon by a commission at Nashville, Tennessee—Continued.

No. of claim.	Names of claimants.	Quartermaster's dep't.	Com. Sub. department.	Damages.	Award.	Amount claimed.	Remarks.
609	Edmonson, John B.	\$850 00	---	---	\$850 00	\$2,910 00	Disloyal.
410	Elder, Henry W.	100 00	\$104 00	---	204 00	1,037 00	Disloyal.
1103	Eason, S. S.	415 00	100 00	---	515 00	550 00	---
597	Ellis, B. H.	148 00	---	---	148 00	148 00	---
903	Ezell, Rosanna	645 00	---	\$45 00	740 00	1,110 00	---
644	Ewing, John H.	101 70	30 00	397 35	529 05	1,176 77	---
645	Exaley, E. L., deceased	1,575 00	28 00	---	1,603 00	4,845 84	Rebel.
1334	Ellan, R. D.	---	---	---	---	---	Unsubscribed.
646	Exley, Euoch.	100 00	140 00	---	240 00	6,137 40	Disloyal.
646	Edmister, William	2,124 50	---	---	2,124 50	3,201 50	Disloyal.
945	Estate of James Miller	120 00	8 00	---	128 00	889 00	---
1056	Edwards, Abner	110 00	---	---	110 00	150 00	---
1105	Ervin, John H., Guardian	---	---	12 50	12 50	23 30	---
645	Eubank, James F.	85 56	---	---	85 56	109 45	Disloyal.
1244	Ewing, Andrew B.	274 00	9 00	1,413 00	1,696 00	4,383 35	---
1303	Edmonson, John	1,360 00	---	---	1,360 00	2,210 00	Disloyal.
1367	Elam, Thomas H.	112 00	---	---	112 00	145 00	Disloyal.
1367	Estes, Martha	---	---	177 00	177 00	212 80	---
1146	Estate of Philip Lindsey	---	---	51 30	51 30	840 00	---
161	Etherly, Isaac	200 00	---	---	200 00	275 00	Disloyal.
1223	Elam, Daniel	122 50	54 00	---	176 50	504 50	---
1203	Ellis, Granville	63 00	3 00	---	66 00	81 25	---
616	East, sr., E. H.	83 00	60 00	---	143 00	427 00	---
128	Ezell, William C.	85 00	12 50	---	97 50	489 00	---
602	Evans, William H.	342 50	144 00	---	486 50	1,035 00	Disloyal.
641	Ewing, William L.	431 50	---	---	431 50	1,451 35	Disloyal.
642	Edmonson, John, sr.	1,201 00	---	---	1,201 00	1,725 00	Disloyal.
64	Ewing, John O.	376 50	---	---	376 50	1,425 00	Disloyal.
107	Embusch, C.	---	---	173 00	173 00	400 00	---
170	Fugus, Peter	147 75	---	---	147 75	202 00	Disloyal preacher.
605	Fanning, Talbott	---	---	2,000 00	2,000 00	6,500 00	Disloyal.
605	Foster, James H.	210 00	---	---	210 00	1,125 00	---
1003	Farquhar, Elisha	115 00	---	---	115 00	182 00	---
203	Freder, Jacob	294 00	194 00	---	488 00	152 00	Disloyal.

[illegible]

List of claims acted upon by a commission at Nashville, Tennessee—Continued.

No. of claim.	Names of claimants.	Quartermas- ter's dep't.	Com. Sub. department.	Damages.	Award.	Amount claimed.	Remarks.
600	Edmonson, John B.	\$850 00			\$250 00	\$2,910 00	Disloyal.
410	Elder, Henry W.	100 00	\$103 00		204 00	1,097 00	Disloyal.
1108	Eason, S. S.	415 00	100 00		515 00	240 00	
597	Ellis, B. H.	144 00			114 00	144 00	
206	Ezell, Rosanna	655 00		\$45 00	740 00	1,110 00	
644	Ewing, John H.	101 70	30 00	297 35	629 05	1,176 77	
648	Eusley, E. L., deceased	1,575 00	28 00		1,603 00	4,845 84	Rebel.
1364	Evan, R. D.						Unreported.
6484	Eusley, Enoch.	100 00	140 00		240 00	6,137 40	Disloyal.
945	Edmister, William	2,128 50			2,124 50	3,201 50	Disloyal.
1056	Estate of James Miller	120 00	8 00		128 00	128 00	
1105	Edwards, Abner	110 00			110 00	150 00	
845	Ervin, John H., guardian	85 56		12 50	12 50	25 30	
1244	Eubank, James F.	274 00	0 00	1,413 00	1,687 00	169 45	Disloyal.
1309	Ewing, Andrew B.	1,300 00			1,300 00	4,434 35	Disloyal.
1362	Edmonson, John	112 00			112 00	2,210 00	Disloyal.
1357	Elam, Thomas H.				177 00	145 00	Disloyal.
1145	Ester, Martha			177 00	51 30	212 80	
161	Estate of Philip Lindley	200 00		61 30	200 00	240 00	
1233	Edenly, Isaac	122 50	54 00		170 50	275 00	
1203	Elam, Daniel	63 00	3 00		60 00	504 50	Disloyal.
616	Elia, Granville	63 00			97 50	81 25	
765	East, sr., E. H.	63 00	60 00		143 00	437 00	
902	Ezell, William C.	85 00	12 50		498 50	1,036 00	Disloyal.
641	Evens, William H.	342 50	144 00		434 50	1,451 35	Disloyal.
968	Ewing, William L.	431 50			1,201 00	1,726 00	Disloyal.
654	Edmonson, John, sr.	1,201 00			378 50	1,426 00	Disloyal.
64	Ewing, John O.	376 50			172 10	400 00	
107	Eubusch, C.	147 75		172 00	147 75	202 00	
170	Faqua, Peter				2,000 00	6,500 00	Disloyal preacher.
965	Fanning, Talbot	210 00			210 00	1,195 00	Disloyal.
605	Foster, James H.	116 00			304 00	182 00	
1023	Farquharson, Elias	294 00				452 00	Disloyal.
5053	Frazier, Jacob		102 00				

38	Thomling, A. J.	120 00	805 00	805 00	3,000 00	Disloyal.
424	Freck, George B.	150 00	120 00	150 00	150 00	Unsupported.
450	Falcy, Patrick.	.....	.....	.....	.....	Unsupported.
513	Faucus, John.	.....	.....	.....	28 00	.....
599	Friel, F.	.....	.....	600 00	700 00	.....
118	Fuqua, Nathan	85 00	50 00	135 00	210 00	.....
155	Foster, H. W.	118 00	.....	134 00	370 00	.....
1308	Farnet, Lemuel.	1,105 00	420 00	1,585 00	3,291 42	Unsupported
44	Freck, A. J., and L. D. Wheeler	.....	.....	.....	1,726 10	Unsupported.
578	Field, Jeremiah.	50 00	.....	50 00	88 00	Unsupported.
461	Finn, Lawrence	.....	.....	.....	2,280 00	.....
1171	Frost, S. B.	490 00	10 50	500 50	931 00	.....
1023	Feber, John C.	.....	30 00	.....	72 00	.....
750	Fitzlugh, J. M.	151 50	.....	151 50	243 50	.....
213	Fuendley, G. W.	276 00	.....	276 00	523 40	.....
707	Farris, J. A.	100 00	.....	100 00	244 00	Disloyal.
571	Fox, John.	.....	.....	.....	578 00	Unsupported.
749	Farris, Josiah.	172 50	20 00	200 00	777 00	Disloyal.
321	Folta, Mrs. Cella.	179 00	5 00	184 00	184 00	.....
1125	Gifford, Gideon.	1,400 00	1,532 75	2,932 75	7,276 08	Disloyal.
206	Good, Patrick.	45 00	.....	45 00	67 00	Disloyal.
222	Graves, E. P.	198 00	113 00	311 00	900 00	Disloyal.
229	Gillespie, Daniel.	.....	.....	.....	106 00	Unsupported.
41	Gusman, Philip J.	.....	.....	.....	240 00	.....
609	Green, James L.	1,020 00	240 00	1,260 00	2,176 00	Disloyal.
57	Graham, Margaret.	.....	.....	.....	439 00	Unsupported.
907	Goss, John D.	.....	.....	50 00	57 42	.....
305	Greenfield, Wesley.	53 00	12 00	1,001 50	2,874 41	Disloyal.
79	Gas-light Company, Nashville.	1,327 44	.....	486 00	3,252 79	.....
686	Gibson, Nathan, & Co.	55 50	.....	447 45	642 70	Disloyal.
1002	Garrat, F. M.	100 00	31 75	391 95	531 50	.....
1196	Gardner, Boldy.	395 00	.....	.....	645 00	Disloyal.
1307	Gray, Buewell, Jr.	112 50	.....	112 50	335 00	.....
1163	Garnett, Mary J.	75 00	18 00	93 00	150 00	.....
12	Graham, Daniel.	631 00	156 00	731 00	837 00	.....
819	Gregory, Andrew.	723 00	47 25	770 25	2,516 00	Disloyal.
212	Gleaves, Mary A. D.	212 00	82 50	294 50	474 00	.....
1231	Green, Wm. M.	250 00	74 50	324 50	1,389 00	Disloyal.
1349	Grimes, James.	75 00	.....	75 00	100 00	.....
148	Gerrard, W. H.	283 00	.....	463 00	3,241 00	Disloyal
1152	Grubbs, A. B.	100 00	.....	100 00	100 00	.....

List of claims acted upon by a commission at Nashville, Tennessee—Continued.

No. of claim.	Names of claimants.	Quartermaster's dept.	Com. Sub. department.	Damages.	Award.	Amount claimed.	Remarks.
1312	Gregg, John	\$125 00			\$125 00	\$200 00	
125	Graves, Mary	219 00	\$85 50		307 50	350 00	
13	Greener, John A.			\$1,000 00	1,000 00	1,800 00	
1197	Greer, Margaret	52 50			52 50	60 00	
1372	Grigg, D. C.	264 00			264 00	312 00	
312	Gower, A. L.	250 00	50 00		350 00	1,512 00	Disloyal.
1072	Gibson, Pinkney	908 00	382 50		1,290 50	1,316 25	
1041	Griffin, Wm. P.	18 00			14 00	198 00	Unproven.
1445	Gilbert, A. J.					600 00	
1130	Gibbs, R. B.	246 00			246 00	246 00	
1131	Gray, Alex. M.	60 00			60 00	60 00	
1341	Gray, Alex. M.	60 00			60 00	60 00	
1515	Goussier, J. W.		27 00		27 00	50 00	
255	Goff, A. F.	2,132 00		335 00	2,517 00	4,389 33	Disloyal.
1276	Goodwin, Martha A.	36 00			36 00	150 00	
247	Goodin, Mrs. Wm. D.					50 00	
660	Goodwin, W. W.	105 00	150 00	500 00	755 00	9,410 50	Disloyal.
430	Gower, W. J.		60 00		60 00	130 00	
577	Granahan, Felix	70 00	138 00		208 00	335 00	
520	Gillum, John W.	255 00	24 00		279 00	400 00	
463	Goodman, Lydia A.	36 00			36 00	40 00	Disloyal.
622	Glenyes, John E.			108 00	108 00	2,637 50	Disloyal.
1236	Goock, Eliza A.	1,300 50	312 00	100 00	1,712 50	5,204 50	Disloyal.
1331	Gower, John	33 00	68 00		99 00	123 00	
1380	Goodrich, Caleb	155 75			156 75	274 80	
1208	Gorman, Elizabeth	12 50		539 00	551 50	1,561 10	Disloyal.
1941	Green, James M.	1,348 50	54 00		1,402 50	3,310 00	Disloyal.
47	Green, William M.	300 00	437 00		737 00	1,487 00	
506	Hamlet, George	15 00			15 00	970 00	
140	Houss, Nancy	700 00	700 00		1,400 00	1,512 00	
713	Hambro, W. H.	250 00	144 00		394 00	1,280 00	Disloyal.
287	Hoyden, Jas. H.	6,232 00	403 00	324 06	7,359 06	14,113 00	Disloyal.
509	Flah, P. M.	200 00	60 00		260 00	300 00	
512	Hogan, W. H.	105 00			105 00	105 00	Disloyal



809	Hyde, Jerome B	184 00	545 00	.....	729 00	1, 720 56	Disloyal.
1409	Hugely, Charles H.	818 00	62 00	50 00	930 00	1, 118 70	Disloyal.
237	Hatch, David T. ....	.....	.....	2, 100 00	2, 100 00	6, 356 50	
764	Hunter, Mrs. Ann.	649 50	67 92	.....	717 42	1, 135 00	
1158	Hicks, Thos. J.	273 00	291 00	120 00	684 00	1, 003 50	Disloyal.
1311	Herron, Wm.	239 00	.....	.....	239 00	324 00	
339	Harris, B. D.	358 00	28 00	120 00	506 00	1, 900 00	
281	Heirs of Robert King.	42 00	.....	.....	42 00	158 00	
1018	Hobson, L. G. and Murfree.	143 00	17 50	.....	160 50	575 60	
26	Heirs of J. A. McEwing. ....	.....	.....	228 20	288 20	1, 500 00	
1092	Howard, M. H. ....	.....	.....	970 00	970 00	970 00	
989	Hall, Mahala.	87 50	.....	127 00	214 50	469 60	
792	Hope, Frances B.	182 50	.....	.....	182 50	247 70	
1013	Hunt, Elizabeth.	435 80	40 50	.....	475 50	1, 058 50	
793	Hope, John B.	118 00	38 00	.....	151 00	1, 044 00	
314	Huggins, Wm. E.	540 00	.....	2, 400 00	2, 940 00	4, 47 20	Disloyal.
1050	Hardy, Thos. G.	340 50	.....	30 00	370 50	619 50	Disloyal.
420	Hall, John W. ....	.....	.....	200 00	200 00	535 00	
894	Hyde, Thomas J.	162 50	75 00	.....	237 50	397 50	
996	Hunter, Isaac.	395 00	.....	.....	395 00	482 00	
1208	Herbert, T. P.	163 50	.....	.....	163 50	176 00	
846	Hunt, Mary A. ....	.....	48 00	.....	48 00	95 00	
57	Harrington, J. W.	900 00	337 75	.....	1, 237 75	1, 727 50	Disloyal.
1297	Heirs of Thomas Fuqua. ....	.....	.....	250 00	250 00	1, 300 00	
1315	Hicks & Wingrove. ....	.....	.....	.....	.....	45 00	Unsupported.
1432	Holt, H. J. M.	90 00	.....	.....	90 00	100 00	Soldier in United States cavalry.
381	Hall, George.	8 00	5 00	.....	13 00	26 00	
1226	Horton, Pichergrew.	58 50	.....	.....	58 50	229 50	
507	Hobson, Thomas.	30 00	.....	.....	30 00	1, 350 00	Disloyal.
1273	Hodgens, Martha.	125 00	.....	.....	125 00	125 00	
426	Horton, Mrs. S. W. ....	.....	.....	.....	.....	3, 515 00	Not supported.
253	Hefferan, William.	252 00	43 75	.....	295 75	4, 101 00	
824	Hyte, Horatio.	226 50	.....	.....	226 50	387 00	
782	Huddleston, G. P.	125 00	.....	.....	125 00	160 00	
632	Horn, E. A.	640 00	.....	.....	640 00	960 00	Disloyal.
429	Hall, William C.	696 00	660 00	276 00	1, 632 00	3, 518 00	Disloyal.
326	Hyde, W. H.	1, 402 00	9 80	.....	1, 411 80	2, 256 26	Disloyal.
251	Heirs of Samuel L. Allen.	295 00	.....	.....	295 00	395 00	
13	Horn, R. H. ....	.....	.....	77 50	77 50	192 50	
13	Hebbert, James F.	1, 196 00	126 00	100 00	1, 422 00	1, 522 25	Disloyal.
533	Harding, Mrs. F. G.	877 90	113 00	.....	990 90	1, 990 25	

List of claims acted upon by a commission at Nashville, Tennessee—Continued.

No. of claim.	Names of claimants.	Quartermaster's dep't.	Com. Sub. department.	Damages.	Award.	Amount claimed.	Remarks.
349	Harsch, Nathan.					\$1,620 80	Not supported.
425	Hatch, S. W., guardian					6,000 00	Not supported.
672	Haskin, James					9,200 00	Loyal
357	Hart, John S.		\$60 00	\$710 00	\$770 00	3,125 00	Not supported.
289	Hyde, William R.	\$1,137 50	788 00		1,925 50	2,600 00	Disloyal.
439	Harding, William Giles	23,047 02	705 00	3,763 50	27,617 12	32,000 00	Chairman of rebel military board.
1013	Hadley, D. P., sr.	545 00	637 50	550 00	1,732 50	2,707 15	Disloyal.
188	Hows, John	771 00	52 50		826 50	1,379 40	
53	Hobson, Nicholas	884 00		2,813 85	3,697 85	7,500 00	Disloyal; offered twenty acres of land to build a southern confederate capital on.
1054	Harris, E. R.					4,625 00	Not supported.
1340	Hamlet, Thomas	70 50			70 50	140 90	
561	Henryson, Robert			307 00	307 00	787 65	
564	Hall, J. H. M.	75 00			75 00	90 00	
131	Hughes, Joseph B.	207 50			207 50	243 05	
741	Hudson, W. B.	2,292 42	130 00		2,422 42	4,302 08	Disloyal.
1447	Hodges, William C.	931 00	135 50		1,066 50	1,896 00	Disloyal.
915	Hartan, George E.	1,075 00			1,075 00	2,200 00	
161	Holt, Thomas	2,359 50		67 50	2,427 00	4,340 00	
943	Hambin, Sarah	100 00	10 00		110 00	116 00	
623	Herbert, Robert N.	232 00	67 25		299 25	787 15	
101	Hynes, Barny			21 00	21 00	50 00	
84	Hall, J. R.			300 00	300 00	400 00	Disloyal.
102	Hyde, Tazwell	840 00	112 00	502 00		1,885 00	Disloyal.
636	Hubbard, John A.	22 00	6 00		28 50	95 00	
973	Hoopert, W. Y.	183 50	10 00		193 50	231 25	
1555	Harris, W. T.	125 00			125 00	130 00	
1636	Huddleston, T. L.	400 00			400 00	565 00	Disloyal.
19	Hunter, William					100 00	Unsubstantiated.
198	Harris, T. A.	159 00	99 00		258 00	1,154 06	
1120	Hadley, Dennis P., jr.	2,050 00	102 00	500 00	2,751 00	4,422 00	Disloyal
1122	Hagen, Felix			60 00	60 00	50 00	No evidence.
76	Harper, Mrs. Susan						

489	Haywood, Thomas J	1,009 00	.....	115 00	1,124 00	4,192 00	Disloyal.
1355	Honer, Mrs. Jane	1,894 50	100 00	.....	1,994 50	2,538 00	Disloyal.
95	Hamilton, Mrs. Mary E	271 00	.....	539 40	810 40	2,900 96	Disloyal.
977	Hodges, Thomas E	432 50	215 00	.....	647 50	1,442 00	Unsupported.
960	Haye, Henry M	507 00	.....	305 55	902 55	1,234 84	Disloyal.
923	Hamblin, T. B.	.....	.....	.....	.....	1,133 00	Disloyal.
589	Hann, Ann	.....	.....	.....	.....	156 00	Not proven.
536	Hyde, Franklin	220 00	254 00	.....	504 00	618 00	Disloyal.
475	Hayes, Oliver H.	300 00	415 00	.....	715 00	2,546 00	Disloyal.
810	Hyde, Edward	332 00	.....	900 00	1,232 00	778 00	Disloyal.
97	Jackson, Milton	.....	.....	.....	.....	980 00	Colored man.
1376	Jones, W. A. D.	125 00	.....	.....	125 00	135 00	Disloyal.
1371	Jenkins, W. H.	100 00	.....	.....	100 00	330 00	Disloyal.
892	Jackson, Amanda	.....	.....	.....	.....	100 00	Disloyal.
1337	James, Thomas G.	1,065 00	8 00	.....	1,073 00	2,856 50	Disloyal.
1086	Johnson, William J.	59 00	.....	.....	59 00	273 00	Disloyal.
1243	Jackson, Henry, sr.	240 00	.....	.....	240 00	475 00	Disloyal.
1250	Jackson, Henry, jr.	100 00	.....	.....	100 00	125 00	Disloyal.
1112	Jackson, William	106 00	.....	.....	106 00	110 00	Disloyal.
1150	Johnson, James F.	73 00	184 50	.....	257 50	440 00	Disloyal.
1435	Johnson, James P.	600 00	20 00	.....	620 00	1,100 00	Disloyal.
691	Jackson, James A.	.....	80 00	.....	80 00	1,172 25	Not supported.
141	Jordan, William	.....	.....	.....	.....	1,216 46	Disloyal.
84	Johnson, A. W.	250 00	.....	.....	250 00	625 00	Disloyal.
948	Janett, Robertson	294 00	57 00	.....	351 00	1,107 50	Disloyal.
495	Johns, N. H.	.....	50 00	.....	50 00	630 00	Disloyal.
916	Johnson, James	40 00	.....	.....	40 00	340 00	Disloyal.
631	Johnson, Allen J.	62 00	.....	.....	62 00	200 00	Disloyal.
506	Jackson, heirs John H.	270 50	.....	.....	270 50	400 00	Disloyal.
990	Jones, G. T.	53 00	.....	20 70	73 70	505 00	Disloyal.
391	Jones, Mrs. Mary	171 50	21 50	.....	193 10	312 50	Disloyal.
500	Jones, W. E.	129 50	.....	.....	129 50	264 00	Disloyal.
923	Jones, Alfred	.....	.....	.....	.....	161 00	Not proven.
923	Joiner, Hugh	460 00	235 50	.....	695 50	1,110 50	Not proven.
617	Jones, George	.....	52 00	134 80	186 80	248 60	Accidental burning.
1141	Jackson & Adams	.....	.....	105 25	105 25	9,827 25	Rebel.
945	Johnson, Anderson	812 50	150 00	.....	962 50	9,129 00	Rebel.
1310	Johnson, Thomas B	2,674 50	20 00	270 00	2,964 50	7,915 63	Rebel.
117	Johnson, William H.	892 50	696 50	.....	1,589 00	3,206 04	Rebel.

List of claims acted upon by a commission at Nashville, Tennessee—Continued.

No. of claim.	Names of claimants.	Quartermaster's dep't.	Com. Sub. department.	Damages.	Award.	Amount claimed.	Remarks.
1953	Irwin, J. C.	\$100 00			\$100 00	\$150 00	
1954	Iser, R. H.	115 00		\$43 00	163 00	200 00	
1912	Kavanaugh, M.	115 50	\$86 40	15 00	196 50	613 40	
922	Kyle, James.	88 00		163 95	251 95	451 00	
655	Kirkpatrick, John R.			2,030 00	2,030 00	3,275 00	Disloyal.
577	Kubley, Henry	123 00	15 00		138 00	153 00	
673	Kimbo, Thomas H. B.	125 00	10 00		135 00	195 00	
753	Kirby, Charles R.			57 75	57 75	500 00	
522	Kolley, John D.			160 00	160 00	250 00	
511	Kirkman, John			840 00	840 00	2,300 00	Disloyal.
360	Kelley, Eliza		24 00		24 00	40 00	
451	Kemmel, David F.					300 00	No evidence.
774	Katins, B. F.	50 00			50 00	350 00	
1169	Katins, B. F.	50 00			50 00	120 00	
1139	Lowe, M.						
1153	Lewis, Andrew			114 50	114 50	370 00	Free colored.
153	Luce, Louis, estate of			532 80	532 80	1,074 60	Colored.
157	Lyles, W. W.	207 50		124 00	336 10	793 63	Disloyal.
497	Lande, A., agent of Aden.	44 00		50 00	94 00	348 33	Jews.
1026	Link, Joseph	53 00	139 50		192 50	343 90	
1065	Laurence, Ed. & Bro.					1,200 00	Not supported.
1118	Lee, John T.	770 75	127 60		904 35	1,106 30	Disloyal.
959	Leah, John	30 50			30 50	316 00	
453	Leah, Charles	1,758 00	272 00		2,030 00	2,557 00	Disloyal.
573	Love, Robert E.			8 00	8 00	55 00	
197	Luck, John	797 00		200 00	997 00	1,176 00	
673	Lucas, William R.			145 95	145 95	809 00	
1176	Leitenberger, F. L.	95 00	92 28		187 28	146 00	
1300	Lyon, Patrick	624 00			624 00	1,036 50	Disloyal.
403	Leak, Thomas			383 60	383 60	383 60	Not supported.
453	Leak, Robert					383 60	
172	Lease, Martha A.	40 00			40 00	383 60	Disloyal.
156	Leahy, J. B.	130 00	515 00	191 00	104 00	383 60	Not supported.
156	Leahy, J. B.				615 00	682 00	
156	Leahy, J. B.					4,140 00	Disloyal.
946	Leahy, W. J.			457 50	457 50	157 50	

List of claims acted upon by a commission at Nashville, Tennessee—Continued.

No. of claim.	Name of claimant.	Quartermaster's dep't.	Com. Sub. department.	Damages.	Award.	Amount claimed.	Remarks.
371	Martin, Mrs. Thos.	\$629 00			\$629 00	\$2,350 00	
1906	McPeak, P. A.	135 00			135 00	1,000 00	
1156	Murfree, Wm. L.	1,115 00		\$148 50	1,263 50	1,924 00	Disloyal.
045	Mathes, A. P.	120 00	\$55 00		175 00	435 15	
690	Morgan, W. H. T.	63 50			63 50	131 00	
55	McKee, Patrick					48 75	Not proven.
1374	Moss, P. W.	220 00			220 00	250 00	
955	Mullany, Thos.			200 00	200 00	200 00	
767	Mauban & Knowles			400 00	400 00	400 00	Loyal.
704	McClay, R. C. & C.		2,800 00	3,514 10	6,114 10	14,546 43	Exam'd this claim closely; see chancery bill.
376	McCann, R. C. & Co.			258 00	258 00	679 30	Disloyal.
1393	Mullen, John	275 00	10 00	100 00	384 00	854 00	
559	Morgan, Thomas	285 00			285 00	612 00	
631	McNairy, Miss Selina	1,479 00			1,479 00	2,012 00	
463	Mount, Olivet cemetery	50 00			50 00	1,500 00	
631	Martin, George F.			754 00	754 00	600 00	Disloyal.
405	McGavock, John	2,234 00		214 70	3,307 25	10,904 25	Was in rebel army.
757	McGee, Jas. P.	132 50	15 00	673 25		3,325 00	Disloyal.
606	Martin, John W.	1,004 00	96 00		1,194 00	3,920 00	
673	Murry, Jackson	55 00			55 00	107 20	
797	Madlock, B. B.			30 00	20 00	40 00	Disloyal, all.
1004	Mare, estate of Robert J.	2,482 20	156 00		2,638 20	4,555 00	Not proven.
603	Miller, John E.					847 00	Colored.
1105	Murray, Fania	120 00			120 00	40 00	Very poor.
708	Meadow, Elias		24 00		24 00	20 00	
632	McIntosh, Wm.		20 00		20 00	176 00	
941	McCutchen, S. E.	67 50			67 50	476 13	
608	Minton, J. W.	105 00	17 34		122 34	93 00	
706	Madlock, Hattie		30 00		30 00	1,133 00	Very poor.
305	Marshall, Gilbert		725 00		1,129 00	450 00	Truly loyal.
104	Mason, A. W.	404 00		450 00	450 00	600 00	
84	Morse, Mrs. Erasmus	197 00	76 00	50 25	261 25	561 00	
301	Martin, Thos. O.	156 00	67 50		223 50		

708	Madden, Andrew	420 50	126 42		546 93	622 50	Disloyal.
1191	Moore, Wm. T.	361 50		346 00	707 50	4,061 00	Disloyal.
1154	Mayo, J. M.	33 25			33 25	172 00	
634	May, Miss E. R.	46 50			46 50	51 45	
461	McTear, Patrick			12 00	111 00	649 92	
349	Mathews, E. A.	86 00	25 00		47 00	1,677 00	Disloyal.
470	Morrison, Chas. W.	152 00	332 00		62 00	1,114 00	Disloyal.
393	Morrison, John	32 00		30 00	2,336 00	4,482 00	Disloyal.
710	Menlove, J. E.	2,328 00	10 00		1,533 00	20,630 00	Rebel.
17	Merritt, Gibson	946 00		647 00	2,284 13		
278	McKenney, R. B.	232 13			161 85	2,414 60	Disloyal.
1233	Moore, Mrs. Mary				480 00	3,435 50	Disloyal.
327	May, Miss Mary, and Ann Ewing	480 00			1,346 00	4,883 00	Disloyal.
656	Murrel, Jas. M.	1,068 00	80 00	108 00	146 50	143 70	
933	Merryman, Jesse	146 50				357 00	
483	McEwing, Mrs. Clarissa	28 00	38 00	66 00		143 70	
138	Maxey, F. W.		95 00	50 00		357 00	
1356	Miller, Joshua P.	470 00			470 00	900 00	
61	McNeary, Catherine				311 50	1,700 70	Disloyal.
348	Millman, Jacob	311 50			253 63	620 00	Disloyal.
910	Milam, Andrew	253 63			323 50	1,407 50	Disloyal.
963	McCullough & Huff	323 50			1,050 00	1,552 00	
992	Morris & Stratton	50 00		1,400 00	726 00	726 00	
519	Matlock, G.		97 50			214 00	
558	More, S. G.	44 00			141 50	214 00	
657	McCormick, Sam. B.	115 00			115 00	175 00	
1230	McCrory, John B.	255 00	10 00		265 00	364 30	
1342	McEwing, J. L.	120 00			130 00	240 00	
1072	Matlock, Simpson	349 50	34 70	1,578 50	1,962 70	4,405 32	
1491	Maxwell, Mrs. Mary, and others.	21 00	35 00		86 00	101 00	Rebels.
1008	McPherson, William	245 00			345 00	652 29	Disloyal.
930	Nance, W. L.	579 50		100 00	100 00	274 50	Disloyal.
925	Newman, Andrew	66 30			579 50	136 00	Disloyal.
160	Norvell, G. P.				66 30	93 30	
937	Northern, Sam.	432 50		53 53	401 05	1,441 13	Disloyal.
591	Newton, J. W.	167 00			167 00	217 00	Disloyal.
496	Neal, Ralph	2,032 00	3,675 60		5,707 80	7,459 25	Disloyal.
98	Nichol, Elmer		198 00		104 00	1,030 00	Disloyal.
1550	Nibbel, Mrs. Maria			200 00	200 00	1,100 00	
1550	Nelson, George A.			300 00	100 00	3,280 00	
467	Nelson, George A.	468 00	200 67		668 67	991 00	
1115	Nowlin, J. J.	7 50			7 50	59 00	

List of claims acted upon by a commission at Nashville, Tennessee—Continued.

No. of claim.	Name of claimant.	Quartermaster's dep't.	Com. Sub. department.	Damages.	Award.	Amount claimed.	Remarks.
743	Nichols, William	85 00			85 00	\$435 00	Colored.
744	Nichols, William	5,313 00	\$1,720 00	\$450 00	7,483 00	13,102 00	Disloyal.
745	Norrel, McNairy	238 00	50 00		288 00	745 50	
1204	Oliphant, J. W.					715 00	Not supported.
1205	O'Donnel, Connel	560 00	38 00		598 00	757 00	
1163	Ossinent, Thomas	187 00			187 00	250 00	
1206	Owen, J. W.	786 50			786 50	1,415 00	Disloyal.
1207	Oliver, W. H.		24 00		24 00	75 00	
736	Overton, A. W.	2,650 00	30 00		2,680 00	7,013 30	Disloyal.
737	Oliphant, P. W.	72 00			72 00	165 00	
700	O'Donnel, James					149 00	Not proven.
954	O'Neal, Henry W.	225 00			225 00	200 00	
68	Oxane, Urbana					507 00	Rebel property.
938	O'Neal, Matilda	450 00				787 00	English rebel; not supported.
917	Otwell, Philip					190 00	
1208	Price, A.	210 00			210 00	275 00	
1209	Price, A.	60 00			60 00	316 00	
1210	Price, A.			1,165 00		2,300 00	Disloyal.
1211	Price, A.					114 00	
1212	Price, A.					285 00	
1213	Price, A.					144 40	
1214	Price, A.					1,257 00	
1215	Price, A.					167 00	
1216	Price, A.					400 00	Not proven.
1217	Price, A.					623 56	Disloyal.
1218	Price, A.					1,046 45	Rebels.
1219	Price, A.					510 00	
1220	Price, A.					449 00	
1221	Price, A.					13,926 14	
1222	Price, A.					365 75	Disloyal.
1223	Price, A.					54 50	
1224	Price, A.					200 00	
1225	Price, A.					227 00	
1226	Price, A.					3,184 00	Not proven.
1227	Price, A.					74 00	

936	Patterson, T. M.	476 00	123 00	599 00	941 70	Disloyal.
1335	Peebles, James M.	920 00	496 00	1,416 00	7,104 50	Disloyal.
918	Phillips, James	265 00	25 00	290 00	490 00	
694	Peck, P. P.	125 00		125 00	250 00	
1173	Pugh, W. W.	125 00		125 00	150 00	
1106	Pendigast, Thomas				510 00	Unsupported.
543	Paul, George W.	512 00		512 00	1,945 80	Disloyal.
598	Payne, Z.	190 00		190 00	2,672 50	Disloyal.
971	Perdue, L. J.	570 00	175 00	745 00	2,460 00	
66	Plaier, Thomas	440 00	44 00	484 00	630 00	
1144	Perry, John	24 00		24 00	25 00	
800	Pelton, Jos. H.	12 50	10 00	22 50	410 00	
138	Pully, William	22 50		22 50	30 00	
1443	Puckett, Mrs. Frances M.	125 00		125 00	225 00	
46	Penitentiary, (Tennessee)		2,182 75	2,182 75	2,182 75	
331	Prodd, J. C.	1,671 50	115 00	1,786 50	2,543 00	Disloyal.
1070	Putnam, A. W.		757 10	757 10	1,449 25	Disloyal
464	Pitts, L. B.	117 50		117 50	110 00	
1187	Primm, C. H.	405 00	175 00	580 00	947 50	
1154	Pate, Thomas B.	545 00	40 50	585 50	1,105 00	Disloyal.
1373	Pearce, Henry T.	60 00		60 00	60 00	
385	Pyles, Mrs. M. J.		74 80	74 80	150 00	
790	Pate, John F.	57 00		57 00	145 00	
613	Pennellington, J. W.	4,627 50	200 00	4,827 50	14,145 00	Disloyal
931	Powell, James L.	370 00		370 00	320 00	
1357	Page, J. B.	1,029 00	235 00	1,264 00	4,536 00	
45	Parish, Jolley	45 00		45 00	45 00	
853	Painter, Thomas G.	551 00		551 00	2,507 00	Disloyal.
1066	Patton, L. E.	153 00	29 00	182 00	335 00	
154	Peebles, H. J.	129 00	3 00	132 00	710 00	
397	Powers, R. F.	303 00	120 00	423 00	1,220 00	Disloyal
596	Patterson, Elinor	35 50		35 50	167 50	
1006	Patterson, Moses	620 00		620 00	1,055 00	
464	Phillips, W. D.	1,618 00	492 00	2,110 00	15,151 00	Rebel member of Committee of Vigilance.
969	Perdue, John	100 00		100 00	185 00	Disloyal.
991	Primm, L. D.	460 00		460 00	1,651 80	Disloyal.
992	Peebles, William	110 00		110 00	125 00	
10	Payne, J. A.	1,065 00	3,945 00	4,910 00	8,955 00	Disloyal.
133	Quinn, Matthew	14 00	185 30	199 30	1,777 00	Disloyal.
119	Ramsey, W. B. A.	950 00	11 50	961 50	2,945 00	
126	Royenthal, Nathan	35 00		35 00	69 15	

List of claims acted upon by a commission at Nashville, Tennessee—Continued.

No. of claim.	Names of claimants.	Quartermaster's dept.	Com. Sub. department.	Damages.	Award.	Amount claimed.	Remarks.
904	Kaworth, E. A.			\$30 00	\$30 00	\$30 00	
905	Roberts, John D.	\$015 50	\$20 00		935 50	1,057 00	Disloyal.
1143	Robertson, B. J.	120 00			120 00	150 00	
378	Ragans, James H.	50 00	50 00		100 00	56 40	
489	Richards, George					790 00	Not supported.
490	Royce, A. J.	170 00			170 00	300 00	
940	Roberts, John G.	595 56	16 80	75 00	687 36	1,564 70	Disloyal.
901	Richards, E. D.	27 00			27 00	198 00	
978	Reeves, Louis	107 50			107 50	145 00	
914	Robertson, Theodore			309 00	309 00	405 00	
954	Redmond, Gideon	80 00			80 00	113 75	
1444	Ryman, F.	152 50	130 00		282 50	516 00	
1450	Richardson, Morris	100 00			100 00	100 00	
106	Rains, Wilfred H.	1,050 35	5 00		1,054 35	3,053 42	Disloyal.
770	Ramer, H.	80 00	43 30		1,123 30	4,090 88	Disloyal.
849	Rains, F. R.	1,316 56	75 00	245 40	1,636 96	200 00	Not proven.
911	Reed, C. C.					200 00	
1101	Rawlson, Dana	180 00			180 00	200 00	
1459	Reema, T. A.		45 00		45 00	120 00	
699	Richards, James	50 00			50 00	155 00	Not proven.
1097	Rains, W. B.					300 00	Not proven.
1153	Reid, A. P.					114 00	
1949	Richardson, Murry	81 00	31 25	2,917 50	2,917 50	3,285 00	Not proven.
471	Reid, George					165 00	
1053	Robertson, Lucy T.	65 00			65 00	155 00	Not proven.
1070	Ragans, William	100 00	78 00		178 00	182 00	Disloyal.
954	Robertson, W. D.	75 00			75 00	316 00	
948	Robertson, Green B.			70 00	70 00	175 00	
945	Reid, D. J.	110 00			110 00	45 00	
951	Ragan, W. E.	40 00			40 00	45 00	
854	Ramer, Andrew	937 00	314 00	75 00	1,326 00	4,403 50	Disloyal.
781	Roscoe, Peyton					400 00	Not supported.
120	Robertson, Isabelle C.	501 00	504 00		1,005 00	1,000 00	Disloyal.
177	Reed, David						

910	Bains, heirs of John.....	704 00	30 00	.....	814 00	1, 135 00	Disloyal.
960	Bucker, John W.....	72 50	.....	.....	72 50	156 40	.....
990	Russell, James S.....	122 50	5 00	.....	127 50	331 00	.....
1161	Roberts, John.....	648 00	540 98	30 00	1, 227 98	2, 527 90	Disloyal.
988	Roop, William.....	40 50	.....	.....	40 50	170 82	.....
125	Roller, John.....	430 50	.....	.....	430 50	450 70	.....
930	Savage, Richard.....	639 50	.....	.....	639 50	1, 330 30	.....
1167	Stewart, Montgomery.....	75 00	40 00	.....	85 00	117 00	.....
1114	Stodge, John.....	47 50	.....	.....	47 50	147 50	.....
105	Stevens, Mrs. Moses.....	463 00	.....	203 80	728 80	728 80	Loyal.
1175	Syns, Virginia P.....	20 00	51 00	.....	71 00	103 00	.....
1094	Swann, Joseph M.....	.....	.....	.....	.....	360 00	Not supported.
1089	Savely, Sam.....	130 00	15 00	.....	145 00	665 00	.....
103	Simpson, Henry.....	.....	.....	.....	.....	595 45	Not supported.
1980	Sayers, David.....	1, 329 00	.....	.....	1, 329 00	2, 105 00	Disloyal.
1306	Starves, John.....	1, 050 12	.....	.....	1, 050 12	7, 883 60	Disloyal.
931	Stevens, Elijah.....	.....	.....	.....	.....	227 00	Not proven.
408	Stadler, B. C.....	50 00	.....	.....	50 00	50 00	.....
316	Simpson, J. B.....	.....	65 00	.....	65 00	105 20	.....
533	Smith, George W.....	.....	.....	355 00	355 00	404 90	Disloyal.
654	Shane, John.....	440 00	.....	.....	440 00	537 00	.....
1081	Shankle & Futh.....	.....	.....	.....	.....	4, 000 00	Accidental burning.
970	Simpkins, W. D.....	1, 265 00	147 00	2, 500 00	3, 912 00	4, 632 60	Disloyal.
594	Shute, Mrs. M. E.....	140 00	303 00	.....	533 00	490 00	Not supported.
443	Shaw, A. T.....	.....	.....	.....	.....	800 00	Not supported.
1094	Simon, Simon.....	221 00	.....	.....	221 00	204 00	.....
1098	Strefel, Jacob and C.....	219 00	.....	278 00	407 00	1, 722 50	.....
1004	Street, Park.....	370 00	.....	.....	370 00	592 00	Disloyal.
1994	Spence, Martin G.....	113 00	.....	60 00	173 00	173 00	Disloyal.
1598	Spence, R. B. C.....	532 50	17 50	.....	550 00	2, 075 50	.....
1076	Simpkins, John M.....	467 50	334 00	.....	801 50	2, 242 39	Disloyal.
109	Standers, H. H.....	42 00	.....	.....	42 00	156 60	.....
634	Starkes, John.....	140 00	35 00	.....	175 00	560 00	.....
1005	Stewart, Robert, trustee.....	198 00	.....	.....	198 00	248 00	.....
1448	Sanders, Thomas J.....	.....	.....	.....	.....	565 87	Not supported.
1071	Strode, Isaac V.....	125 00	.....	.....	125 00	175 00	.....
1004	Stewart, Robert E.....	180 00	217 00	31 50	428 50	811 00	.....
1007	Snell, Mrs. M.....	390 00	.....	.....	390 00	390 00	.....
1005	Stevens, Mrs. Caroline.....	1, 160 00	.....	.....	1, 160 00	1, 600 00	Disloyal.
1006	Smith, Mrs. S. C.....	.....	7 50	75 00	82 50	220 00	.....
1001	Scates, H. G.....	.....	.....	.....	.....	.....	.....

List of claims acted upon by a commission at Nashville, Tennessee—Continued.

No. of claim.	Names of claimants.	Quartermaster's dep't.	Com. Sub. department.	Damages.	Award.	Amount claimed.	Remarks.
317	Stevens, W. M.	\$32 00			\$32 00	\$354 00	
795	Stratton, David	437 50			437 50	768 65	Disloyal.
796	Stute, W. D.	1,045 00	\$30 00		1,075 00	2,000 00	Disloyal.
798	Stevens, W. H.	125 00			125 00	125 00	
799	Stiskard, Mrs. Mary	150 00			150 00	150 00	
116	Smith and Jones	348 00			348 00	532 00	
1350	Stevens, Benjamin	160 00			160 00	200 00	Disloyal.
1190	Stalker, Thomas	700 00	270 00		970 00	970 00	
1194	Spain, G. W.	234 00	16 80	\$40 00	280 80	285 00	
1353	Spears, Mrs. Ann			25 50	25 50	26 18	
1364	Sweeney, W. G.	69 00	7 00		76 00	105 00	
1371	Shacklett, John	38 50	28 00		66 50	375 00	
629	Smith, Mrs. L. C.	160 00		112 50	272 50	840 00	
630	Sanders, Patrick	270 00	444 00		714 00	1,940 00	
639	Simpson, G. W.		200 00	200 00	400 00	1,104 50	
657	Sledge, John P.	122 00	113 75		235 75	500 00	
100	Scott, Samuel M.					2,650 80	Not supported.
301	Smith, E. S.	440 00			440 00	575 00	
1367	Stapson, William T.			50 00	50 00	500 00	
1510	Stanly, James W.	30 00			30 00	75 00	
1361	Sherard, J. C.	285 00	21 00		406 00	706 50	
1365	Shannon, Samuel and T. G.	535 00			525 00	692 00	
1103	Shic, Matthew					372 00	Not supported.
1105	Sh. Marc, Madam J. P. D.			58 20	58 20	266 50	
1114	Shaw, W. C.	200 00	15 00		215 00	410 00	
245	Spain, L.	100 00	71 00		171 00	540 00	
630	Searriffs, Mrs. F. T.		117 00		117 00	249 75	
1363	Saulera, William L.	125 00			125 00	200 00	
1368	Sickles, S.			1,200 00	1,200 00	4,700 00	Disloyal Jew.
1377	Smith, W. G.	199 00			199 00	274 00	
1384	Stewart, Henry	135 00			135 00	172 00	Disloyal.
1385	Stegant, Sam.					278 00	Not supported.
1388	Smith, Hannah			30 00	30 00	75 00	
405	Stedman, John	50 00			50 00	285 00	

447	Stark, Margaret.....	7 50	90 00	.....	381 15	97 50	147 30	
308	Shankland, A. B.....					301 15	1398 70	
637	Stall, Zachariah.....	105 00	97 50	.....		1,381 35		
705	Scruggs, George.....	9 00	200 00	.....		209 00	515 00	
1943	Stevens, Edward.....	142 50		.....		142 50	157 59	
306	Samuels, Mary P.....	10 00	5 00	.....		15 00	91 00	
1191	Scott, Alfred and F. Henry.....	205 00		.....		205 00	205 00	
1066	Trent, E. A.....			.....	50 00	50 00	325 00	Disloyal.
907	Thompson, D. F.....	480 00		.....		480 00	900 00	
1107	Tallays, John E.....	705 00		.....	2,190 00	9,745 00	16,075 02	
460	Tucker, A. C.....			.....	146 30	146 30	297 00	
527	Taylor, W. J.....	430 00		.....	2,735 00	3,225 00	3,947 30	Disloyal.
1149	Trustees 2d Presbyterian church.....	550 00		.....		550 00	550 00	
539	Towns, Fletcher.....	344 00		.....		344 00	540 00	
692	Talley, John M.....	41 00	6 25	.....		50 25	67 00	
615	Terral, Henry.....		645 00	.....		645 00	1,292 54	
787	Thurston, S. B.....	241 00		.....		241 00	435 00	
1039	Thompson, Rosen.....	15 00	40 00	.....		55 00	199 04	
1077	Thompson, T. J.....			.....			115 00	Not supported.
634	Tarr, S. H.....			.....			250 00	Not supported.
1408	Tucker, Mrs. Ellen.....	100 00		.....		300 00	14,094 00	
966	Thatcher, H. S.....	46 67		.....		46 67	116 67	
909	Turtull, Benjamin.....	164 00		.....		164 00	382 30	
905	Thompson, D. F.....	30 00		.....		30 00	150 00	
180	Taeril, Paul T.....		70 00	.....		70 00	140 00	
131	Treaner, F. O.....	65 00	148 45	.....		214 45	1,200 00	
111	Toreus, Herbert.....	148 00	36 00	.....		184 00	700 00	
1305	Tighman, Thomas O.....	1,523 00	283 00	.....		1,842 00	3,107 00	Disloyal.
945	Turner, W. P.....	402 50	60 00	.....		662 50	1,252 00	Disloyal.
350	Towns, B. C.....			.....			100 00	Loyal: no proof.
366	Thompson, James.....	40 00		.....		40 00	100 00	
366	Thomas, Delilah.....	211 00	6 00	.....		217 00	421 50	
434	Thomas, Delilah's administrator.....			.....	400 00	400 00	1,000 00	
434	Turnbull, Thomas.....	943 00	140 00	.....		1,083 00	1,410 60	Disloyal.
465	Temple, L. M.....	260 00		.....		260 00	375 00	Disloyal.
180	Thomas, James.....	725 00	55 00	.....		180 00	330 00	
506	Tynce, Charles M.....	17 00		.....	60 00	77 00	400 00	
343	Taylor, Isaac.....	35 00		.....	39 75	74 75	100 00	
634	Thompson, W. B.....	71 50		.....		71 50	307 00	
1072	Taylor, John H.....	136 00		.....		136 00	910 10	
1077	Thomas, Jane H.....			.....			519 00	Unsupported by evidence.
530				.....			

List of claims acted upon by a commission at Nashville, Tennessee—Continued.

No. of claim.	Names of claimants.	Quartermaster's dep't.	Com. Sub. department.	Damages.	Award.	Amount claimed.	Remarks.
605	Tucker, Benjamin.....	\$145 00			\$145 00	\$287 00	
670	Taylor, Solomon.....	12 50	\$25 00		37 50	172 00	
816	Turner, W. S.....	111 50			111 50	1,420 00	
509	Talley, Reuben.....	240 00				313 00	
473	Trippard, F. A.....	351 00			351 00	1,400 00	
604	Tucker, Stephen.....	24 50			24 50	26 50	
470	Tardiff, John.....					150 00	Unsubstantiated.
1353	Uiley, John W.....	1,345 00	340 70		1,685 70	2,921 00	Disloyal.
1814	Uiley, Z. C.....	360 00	273 50		633 50	4,286 10	Disloyal.
906	Uiley, W. L.....	897 50	1,256 00	\$514 50	2,668 00	3,639 00	Disloyal.
707	Virgin, Samuel J.....					375 75	Unsubstantiated.
316	Vaughn, Edward.....	400 00	26 50	57 50	454 10	1,143 10	Disloyal.
341	Vester, Joseph.....	1,175 00	30 00		1,205 00	1,547 00	
946	Vaughn, Johnson.....	1,522 00	31 80		1,603 80	2,640 00	Disloyal.
648	Vaulx, Joseph.....	383 50	72 00	595 20	1,010 70	2,448 00	
54	Vaughn, Charles.....	280 50			280 50	1,030 00	
1343	Vaughn, Susan.....	45 00	14 00		59 00	83 00	
1694	Vaughn, Paul.....	216 00			216 00	1,001 50	
656	Vaughn, H., sr.....	1,492 50	375 00		2,177 50	5,576 00	
974	Vendree, Joseph L.....	240 00		150 00	390 00	440 00	
667	Wheeler, Rold James.....			124 10	124 10	991 12	
547	Wade, Willie.....	21 50		27 00	51 50		
1016	White, Charles H.....	275 00				1,763 00	Not supported.
143	Wendall, F. M.....	24 00	40 00		64 00	125 00	
145	Willis, N. B.....					2,350 00	Confederate powder legally taken.
676	Wheeler, Samuel.....					1,500 00	Not supported.
1464	Wheeler, Mrs. Susan.....	190 00				80 00	
400	Wetzel, John.....	47 00				1,011 75	Disloyal.
600	Wetzel, Mrs. J.....	702 50	53 00		755 50	196 00	
106	Whitsett, Samuel D.....			4 th 00	1 st 400	2,670 00	Vote separation.
128	Warner, Anthony.....	1,308 00	151 00		1,454 00	1,900 00	
50	Warner, W. K.....			100 100		35 00	
50	Warner, Tennessee.....						
50	Warner, J. M.....		21 00				

1349	Willard, Mrs. Levisa	610 00	610 00	200 00	Not supported.
361	Whaley, Isaac	350 00	350 00	400 00	Loyal.
540	Watson, Mary	257 00	257 00	2,445 75	Not supported.
715	Willson, Frank	1,459 00	38 00	305 00	Loyal.
976	Willson Richard	250 00	255 00	98 00	Not supported.
776	Williams, H	167 00	167 00	3,066 80	Loyal.
878	Wood, John V	110 00	110 00	125 00	Loyal.
678	Wilkerson, H. F.	100 00	100 00	471 35	Loyal.
815	Watson, Charlotte T.	74 00	181 30	2,923 44	Loyal.
465	Warren, Jesse	50 00	640 00	1,007 50	Loyal.
457	Watkins, Pendroke H.	286 00	12 00	66 00	Loyal.
147	Weaver, Deunney	280 00	36 80	100 00	Loyal.
8534	Whitsett, W. A.	280 00	36 80	100 00	Loyal.
1085	Waldpool, Edwin	100 00	100 00	155 00	Loyal.
1148	Wright or Wright, Winfred	100 00	100 00	100 00	Loyal.
883	Watson, Thomas P.	100 00	100 00	100 00	Loyal.
1923	Way, Willis B.	100 00	100 00	100 00	Loyal.
623	Williamson, H. G.	32 00	30 00	1,000 00	Loyal.
144	Weakley, William T.	25 00	25 00	1,000 00	Loyal.
191	Wagner, W. J.	23 00	783 80	1,000 00	Loyal.
295	Woods, James A.	28 50	62 00	1,000 00	Loyal.
309	Worley, E. F.	180 00	165 00	1,000 00	Loyal.
374	Williford, W. R.	180 00	165 00	1,000 00	Loyal.
345	Whidemore, W. B.	180 00	165 00	1,000 00	Loyal.
583	Weatherford, Payten	180 00	165 00	1,000 00	Loyal.
585	Woodward, William	180 00	165 00	1,000 00	Loyal.
1098	Whitworth, M. C. & E. D.	353 00	40 00	1,000 00	Loyal.
153	Wilkerson, Benjamin T.	245 00	144 00	1,000 00	Loyal.
373	Williams, William	2,374 00	144 00	1,000 00	Loyal.
555	Williams, John H.	5,595 50	1,884 00	1,000 00	Loyal.
174	Webber, George A.	378 00	427 00	1,000 00	Loyal.
1190	Wesbury, Colman W.	100 00	374 00	1,000 00	Loyal.
619	Willis, S. C.	715 50	70 00	1,000 00	Loyal.
618	Willis, Sarah	673 50	31 25	1,000 00	Loyal.
1089	Winstead, John M.	1,080 00	31 25	1,000 00	Loyal.
1053	Walker, John W.	345 00	200 00	1,000 00	Loyal.
366	Williams, Eliza W.	780 00	225 00	1,000 00	Loyal.
376	Woodruff, C. E.	306 78	1,200 44	1,000 00	Loyal.
680	Watson, James	225 50	1,200 44	1,000 00	Loyal.
682	Willis, John P.	225 50	1,200 44	1,000 00	Loyal.
684	Woodward, B. T.	225 50	1,200 44	1,000 00	Loyal.

List of claims acted upon by a commission at Nashville, Tennessee—Continued.

No. of claim.	Names of claimants.	Quartermaster's dep't.	Com. Sub. department.	Damaged.	Award.	Amount claimed.	Remarks.
74	White, W. L.	\$237 50			\$237 50	\$275 00	
83	Wood, Eli L.	175 00			175 00	160 00	
1228	Williams, Mrs. A. M.	600 00	\$27 50		627 50	920 00	
686	Williams, Turner	348 00	186 00		534 00	534 00	
690	Watkins, W. E.	1,432 00			1,432 00	4,719 84	Disloyal.
345	Wattmore, Abram	291 00	67 50		358 50	461 00	
360	Wilcox, James	67 50			67 50	162 50	
607	Wilson, Sally	15 00	45 00		60 00	109 00	
1104	Walker, Sterling	110 00	60 00		170 00	415 00	
789	Wray, James	615 00	430 50		1,045 50	4,265 00	Disloyal.
538	Whitworth, Isaac	400 50	14 00		414 50	1,400 00	Disloyal.
1237	Williams, James F.	55 00			55 00	54 00	
1345	Walker, Samuel J.	210 00			210 00	250 00	
97	Ward & Branningler			\$62 00	62 00	65 00	
1014	Whittamur, R. N.	45 00	40 00		85 00	125 00	
95	Wood, J. B.					65 00	Not supported.
1236	Washington Institute					1,200 00	Not supported.
245	Winstead, H. W.	250 00			250 00	250 00	
1210	White, Henry C.	117 50			117 50	220 00	Not supported.
1126	White, J. J.					180 00	
126	Wood, R. G.	95 00			95 00	120 00	
122	Wesol, G. H.			30 00	30 00	310 00	
902	Williams, Lewis	330 25	130 00		460 25	1,427 10	
123	Watkins, Samuel	5,047 50	1,002 10	3,614 25	9,667 35	17,837 50	Disloyal
110	Wright, James	212 00			212 00	650 00	
1216	Webb, James G.	350 00	474 00	424 00	1,648 00	2,313 00	Not supported.
600	Warren & Moore					1,463 00	
1240	Williams, James	150 00	62 00		212 00	239 00	
274	Williams, heirs of William	75 00	65 00	50 00	190 00	3,197 00	
605	Whitsett, D. A.	2,930 00	15 40		2,945 40	7,347 00	Disloyal.
800	Walter, Price	507 50			507 50	1,312 00	
316	Watson, W. S.		65 00		65 00	900 00	
412	Williams, Sarah J.	251 75			251 75	1,175 00	

1692	Wallen, L. L.	587 50	.....	.....	587 50	740 00	
1696	Willcox, Thomas	371 00	.....	.....	371 00	743 00	
1696	Warren, D. A.	307 50	.....	.....	207 50	640 00	Very poor and old.
1697	Young, John L., and others	540 00	.....	.....	540 00	987 00	
702	Young, Mrs. Ellen	1,080 00	.....	.....	1,210 00	2,698 00	
93	Yarboro, Thomas J.	.....	.....	66 73	66 73	144 50	
915	Yarboro, Margaret	450 00	.....	.....	757 00	805 00	
416	Young, William B.	370 00	.....	40 00	410 00	807 00	Disloyal.
161	Yarbore, Martha Jane	440 00	.....	60 50	500 50	585 00	
1441	Zackery, J. A.	.....	.....	42 00	42 00	60 00	
1646	Allen, Jeremiah H.	325 00	.....	.....	325 00	1,630 00	Disloyal.
1643	Alison, Thomas	375 00	.....	.....	375 00	680 00	
1636	Armstrong, George W.	340 00	.....	.....	340 00	430 00	
1637	Armstrong, John Bell	125 00	.....	.....	125 00	150 00	
1648	Armstrong, H. C.	125 00	.....	100 00	225 00	350 00	Disloyal.
1651	Allen, J. H., administrator of W. S. Holman	125 00	.....	.....	125 00	300 00	
1730	Berry, William Parker	154 00	.....	12 74	166 74	211 00	
1746	Brown, George A.	125 00	.....	.....	125 00	190 00	Disloyal.
1746	Bradbury, James F.	250 00	.....	.....	250 00	325 00	Disloyal.
1718	Bostick, John S.	100 00	.....	.....	100 00	125 00	
1709	Boon, William R.	225 00	.....	.....	225 00	270 00	Disloyal.
1699	Billings, James	125 00	.....	.....	125 00	150 00	
590	Belle, Mrs. W. N., and husband	.....	.....	1,031 90	1,031 90	2,063 00	Disloyal.
1765	Bess, Mrs. Mary	250 00	.....	.....	250 00	300 00	
1763	Baker, Robert	250 00	.....	.....	250 00	400 00	
1760	Belcher, Sutton E.	461 90	.....	.....	461 90	650 55	Disloyal.
1691	Bennet, Drury	380 50	.....	.....	380 50	458 00	
1641	Bart, William G.	255 00	.....	.....	255 00	410 00	Disloyal.
1658	Bark, John H.	310 00	.....	.....	310 00	375 00	Disloyal.
1696	Brown, Andrew A.	637 00	.....	434 96	1,065 96	1,811 00	Disloyal.
1694	Bulterworth, Ashton	569 95	.....	330 50	7,890 45	53,153 25	Disloyal.
1692	Balthrop, Susan M.	232 00	.....	.....	232 00	324 00	Disloyal.
1768	Balthrop, David	100 00	.....	.....	100 00	154 00	Rebel.
1766	Cartier, Winslow	169 00	.....	.....	169 00	241 00	
1757	Cummings, W. C.	100 00	.....	.....	100 00	170 00	
1671	Church, Isaac C. E.	100 00	.....	.....	100 00	140 00	
1651	Crutcher, H. L.	137 00	.....	.....	137 00	175 00	
1614	Dawson, Martha J.	200 00	.....	71 00	271 00	406 00	
1670	Dillon, John	375 00	.....	.....	375 00	525 00	
1761	Doak, John	100 00	.....	.....	100 00	150 00	Disloyal.
1769		.....	.....	.....	.....	.....

List of claims acted upon by a commission at Nashville, Tennessee—Continued.

No. of claim.	Names of claimants.	Quartermaster's dep't.	Com. Sub. department.	Damages.	Award.	Amount claimed.	Remarks.
1674	Dillon, James	9225 00			9225 00	9225 00	Disloyal.
1713	Donnel, Alfred E.	125 00			125 00	140 00	Disloyal.
1676	Dillon, William H.	125 00			125 00	150 00	Disloyal.
1677	Dolson, Presly	494 50	\$140 00		674 50	656 37	Disloyal.
1799	Edwards, George W.	250 00			250 00	610 00	Disloyal.
1680	Eates, John D.	125 00			125 00	140 00	Disloyal.
1779	Freeman, Edward	725 00			725 00	1,163 80	Disloyal.
1489	Foster, Robert	220 00			220 00	290 00	Disloyal.
1493	Fall, Alexander			81,500 00	1,500 00	2,445 00	Disloyal.
1753	Green, B. Lewis	465 00	93 00		493 00	662 50	Disloyal.
1754	Green, Barton S.	125 00			125 00	140 00	Disloyal.
1736	Garrison, William F.	125 00			125 00	130 00	Rebel.
1645	Goldston, William D.	100 00			100 00	140 00	Disloyal.
1679	Gray, Charles	120 00			120 00	200 00	Disloyal.
913	Goodrich, Christiansa, (heir)	1,754 00			1,754 00	5,242 00	Disloyal.
1733	Hudson, George	34 50			34 50	36 00	
1697	Hudson, E. H.	125 00			125 00	140 00	
1698	Hudson, Thomas A.	125 00			125 00	125 00	
1699	Hedder, Robert P.	125 00			125 00	140 00	Disloyal.
1745	Hill, William A.	313 00			313 00	500 00	Disloyal.
1644	Hess, Henry	100 00			100 00	100 00	
1656	Hay, Pettus S.	450 00			450 00	600 00	Disloyal.
1645	Harry, John	75 00			75 00	150 00	
1640	Harrison, T. O.					403 50	Not supported.
1633	Jennings, Elijah C.	225 00			225 00	250 00	Disloyal.
1630	Jennings, Elijah J.	100 00			100 00	150 00	Disloyal.
16	James, John D.	355 00	510 00		865 00	8,327 00	Rebel.
1625	Jackson, Nathan	1,280 00			1,280 00	1,725 00	Disloyal.
1634	Kirkpatrick, James	125 00			125 00	125 00	
1383	Keady, John	100 00			100 00	985 00	Rebel.
1743	Lack, Washington	779 00			779 00	841 00	Disloyal.
1768	Lawrence, P. N.	540 50	90 00		630 50	750 00	
1600	Leaves & Hallam	912 50	70 20	300 00	682 70	2,353 25	
1617	Leaves, T. O.	302 00	56 00		414 00	741 00	

525	Lansett, Isaac																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
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List of claims acted upon by a commission at Nashville, Tennessee—Continued.

No. of claim.	Names of claimants.	Quartermaster's dep't.	Com. Sub. department.	Damages.	Award.	Amount claimed.	Remarks.
1755	Simms, Caswell S.	\$125 00			\$125 00	\$140 00	
1693	Shanks, J. W.	402 50	\$120 50		532 00	715 50	
1757	Sweet, Robert P.	250 00			250 00	280 00	Disloyal.
1755	Sprott, Columbus B.	125 00			125 00	125 00	Disloyal.
1692	Sprott, Samuel	250 00			250 00	300 00	Disloyal.
1676	Smith, D. K., and wife	120 00	26 50		146 25	177 50	
1696	Seay, E. T.	125 00			125 00	150 00	
1690	Smithfield, John W.	1,416 00			1,416 00	1,416 00	Loyal.
1693	Stuart, Thomas A.			\$330 00	327 00	675 00	Disloyal.
1643	See, Eli A.	360 00			360 00	375 00	Disloyal.
1657	Surhall, John	750 00			750 00	875 00	Rebel.
1677	Swanson, Cathline	250 00			250 00	280 00	
704	Smith, Josiah	120 00			120 00	150 00	
1680	Sweeney, Henderson L.	250 00			250 00	280 00	Rebel.
1725	Thompson, W. D.	100 00			100 00	140 00	Disloyal.
1715	Trice, Henry A.	53 25	1 80		55 05	110 75	Disloyal.
1659	Tilford, Thomas C.	325 00			325 00	450 00	Disloyal.
1692	Taylor, William C.	820 50			820 50	985 50	Disloyal.
1698	Taylor, Benjamin B.	612 50			612 50	700 00	Disloyal.
1731	Vantrees, William	117 00	70 00		187 00	305 00	Disloyal.
1691	Vantrees, Jackson	220 00			220 00	381 25	Disloyal.
1683	Vaoot, E. R.	125 00			125 00	150 00	
1776	Wade, Mitchell T.	125 00			125 00	150 00	Disloyal.
1797	Winfree, David T.	287 50	90 00		316 50	415 00	
1706	Whitehead, Robert C.	125 00			125 00	150 00	Disloyal.
1648	White, Eli A.	125 00			125 00	275 00	Disloyal.
1697	Waters, Samuel	250 00			250 00	340 00	Disloyal.
1770	Williams, Jane E.	345 00	56 00		345 00	435 00	
1761	Watson, George W.	105 00			105 00	140 00	
1768	Walker, Mason	303 00	25 00		328 00	400 00	
1695	Woods, Moses A.	100 00			100 00	140 00	
1701	Wiley, John F.						
1690	Wright, Jacob						

1629	West, Marcus L.	125 00	.....	.....	.....	125 00	150 00	
1627	Walker, James	120 00	.....	.....	.....	120 00	150 00	Rebel.
1635	Young, J. F.	125 00	.....	.....	.....	125 00	105 00	
1631	Young, Alexander	125 00	.....	.....	.....	125 00	125 00	
1634	Alexander, Jesse W.	125 00	.....	35 00	.....	160 00	200 00	Disloyal.
1604	Alexander, A. S.	330 00	.....	.....	.....	330 00	450 00	Disloyal.
1638	Adam J. Reed and wife.	71 19	.....	103 00	.....	174 19	653 41	
1430	Allen, A. R.	1,063 20	.....	100 00	.....	1,163 20	1,197 40	
1365	Anston, Newton C.	110 00	.....	.....	.....	110 00	250 00	
1390	Beasley, William B.	1,516 25	.....	.....	.....	4,836 25	28,599 08	Disloyal.
1419	Beutick, R. L. C. & N. C.	325 50	.....	335 00	.....	660 50	2,172 20	Disloyal.
1654	Brown, L. R.	.....	.....	.....	.....	.....	597 50	Not supported.
30	Brian, M. M.	.....	55 00	.....	.....	55 00	200 00	
1652	Bilth, Richard A.	290 00	.....	.....	.....	290 00	340 00	Disloyal.
1653	Bilth, Andrew T.	125 00	.....	.....	.....	125 00	150 00	Disloyal.
1564	Bilth, A. T. & Co.	440 00	.....	.....	.....	440 00	500 00	Disloyal.
1567	Balley, Charles & Co.	298 25	.....	.....	.....	298 25	456 25	
254	Bryan, L. C.	19 00	.....	.....	.....	19 00	539 40	
332	Buchanan, John K.	568 50	.....	54 00	.....	647 50	2,631 50	
1069	Bridwell, John W.	293 00	.....	.....	.....	293 00	2,598 00	Rebel; was an officer in rebel army.
1533	Barna, William	125 00	.....	.....	.....	125 00	125 00	
1389	Bell, Robert	628 12	.....	4 50	.....	632 62	1,085 87	Rebel.
1393	Boetick, John C.	2,000 00	.....	160 00	.....	5,720 00	29,836 25	Disloyal.
28	Bell, E. T.	713 00	.....	45 00	.....	758 00	2,967 75	Disloyal.
1386	Boetick, James A.	3,480 00	.....	145 00	.....	5,225 00	17,339 40	Disloyal.
8	Buellman, Mrs. John K.	465 00	.....	120 50	.....	585 00	801 50	
9	Buchanan, heirs of J. K., dec'd.	.....	.....	.....	.....	.....	882 40	Not supported.
1513	Brower, W. H.	130 00	.....	.....	.....	130 00	155 00	
1603	Crow, Thomas A.	506 50	.....	105 00	.....	611 50	1,597 00	
1412	Cox, Jesse T.	260 00	.....	.....	.....	260 00	450 00	
193	Camius, Mrs. Julia, heirs of	320 00	.....	105 00	.....	425 00	867 50	
1649	Church, C. H.	125 00	.....	.....	.....	125 00	150 00	
1652	Church, R. R.	125 00	.....	.....	.....	125 00	200 00	
1653	Church, H. T.	125 00	.....	.....	.....	125 00	140 00	
311	Crockett, trustees of M. E. C., W. E., and B. J.	.....	.....	1,800 00	.....	1,800 00	5,135 00	Disloyal.
1164	Carter, W. W.	737 50	.....	.....	.....	737 50	1,213 00	
1566	Carter, W. F.	464 00	.....	64 00	.....	528 00	1,109 00	Disloyal.
1444	Campbell, W. S.	.....	.....	400 00	.....	400 00	683 84	
1471	Collins, Eliza	300 00	.....	.....	.....	300 00	450 00	
1613	Cruikshank, A. P.	600 00	.....	.....	.....	600 00	1,020 00	

List of claims acted upon by a commission at Nashville, Tennessee—Continued.

No. of claim.	Names of claimants.	Quartermaster's dept.	Com. Sub. department.	Damages.	Award.	Amount claimed.	Remarks.
1563	Donel, James O	\$65 00	\$90 00	.....	\$145 00	\$1,698 00	
1564	Dodd, John W	.....	48 75	.....	48 75	48 75	
1565	Darden, Joshua	413 00	.....	.....	413 00	413 00	
1566	Engelston, E. B.	147 00	.....	.....	147 00	147 00	
1567	Eichbaum, Wm. A., guardian.	250 00	.....	\$215 00	465 00	1,448 00	
1568	Etherly, T. B.	987 00	36 00	.....	323 00	462 50	Disloyal.
1569	Ellington, W. E.	.....	.....	.....	.....	1,194 00	Not supported.
1570	Ezell, Eliza	.....	.....	.....	.....	2,991 00	Not supported.
1571	Ferguson, J. E.	380 00	.....	140 00	520 00	1,250 00	Disloyal.
1572	Falkenberg, H. T.	185 00	.....	.....	125 00	200 00	Disloyal.
1573	Falkner, Asa	.....	.....	3,000 00	3,000 00	2,128 00	Disloyal; conscripting officer.
1574	Gray, J. B.	845 00	.....	.....	845 00	150 00	
1575	Gooch, Mrs. Mary	125 00	.....	.....	125 00	225 00	
1576	Gray, Alexander W	125 00	.....	.....	277 00	330 00	Disloyal.
1577	Gray, Henry P.	277 00	.....	.....	245 00	262 00	
1578	Gibbins, George W.	945 00	.....	.....	875 00	1,205 00	Disloyal.
1579	Grider, Bowling	875 00	.....	.....	215 00	350 00	
1580	Gray, William E.	185 00	90 00	.....	335 00	430 00	Disloyal.
1581	Gunter, J. W.	250 00	.....	.....	220 00	400 00	
1582	Grigsby, John	335 00	.....	.....	14 00	231 00	
1583	Haven, Samuel	230 00	.....	.....	3,483 47	6,695 00	Disloyal.
1584	Hawk, Jeremiah	1,430 37	.....	2,047 10	125 00	125 00	
1585	Hodge, Mrs. Jane	185 00	.....	.....	94 75	94 75	
1586	Hawkins, Lucas P.	94 75	.....	.....	125 00	200 00	Disloyal.
1587	Harris, J. K.	.....	.....	.....	204 50	230 36	
1588	Hamer, Mrs. Mary	125 00	.....	.....	516 00	516 00	Rebel.
1589	Hudson, J. R.	304 50	.....	.....	238 00	238 00	Rebel.
1590	Hudson, James	516 00	.....	.....	125 00	260 00	
1591	Hunt, G. W.	238 00	.....	.....	120 00	325 00	
1592	Homan, Wesley S.	185 00	.....	.....	250 00	400 00	Disloyal.
1593	Irwin, Matthew D.	250 00	.....	.....	111 00	143 00	
1594	Jones, A. L.	51 00	30 00	.....	.....	107 50	
1595	Jones, James P.	.....	.....	.....	.....	.....

1434	Jundan, Johnson	1,580 00	12 00	50 00	1,648 00	4,835 50	Disloyal.
1449	Kirkpatrick, John	575 00	21 60		596 60	745 70	
591	Kenedy, William	377 50			377 50	464 00	
1445	Knight, John B.	135 00			135 00	258 00	
1519	Kirby, William J.	235 00			235 00	235 00	
1610	Lane, R. H.	120 00			120 00	140 00	
1524	Lotz, Albert		15 00	96 00	111 00	111 00	
1561	Lee, Sam. B.	375 00	30 80		405 80	733 12	
254	McKenney, M. B.					608 00	Not proven.
341	Mizell, George	125 00			125 00	150 00	
1605	May, Mrs. Ann	100 00			100 00	130 00	
1569	Mack, Daniel	220 00			220 00	500 00	Colored.
1328	McEwing, John B.	1,189 00	155 00	273 62	1,617 62	2,704 00	Disloyal.
435	McNairy, Wm., and wife E. P.	732 00	36 00	40 00	808 00	1,109 50	Disloyal.
1574	Massey, John	53 00	7 50		60 00	76 50	
1480	McClenda, Dennis	361 50			361 50	472 00	
1593	Neely, James A.	90 00			90 00	90 00	
1599	Owen, Green R.	418 00	10 00		428 00	176 00	
1594	Parrelly, William W.	127 50			127 50	227 50	
1389	Patrick, Mrs. Molley					1,000 00	Not supported.
70	Price, M. A.	2,575 50	296 00	1,542 50	4,414 00	9,000 00	Property destroyed to prevent use by the rebels.
1461	Patterson and Treble					2,000 00	
1578	Reese, Joseph T.	330 00			330 00	350 00	
1579	Rodgers, William	125 00			125 00	135 00	
1534	Rodgers, Mrs. Mary	80 00			80 00	80 00	
1597	Suite, Dempsey H.	100 00			100 00	125 00	
1560	Stevens, Andrew P.	120 00			120 00	170 00	
912	Swearingen, Mary E.	182 00		130 00	312 00	630 56	
1528	Sprott, James P.	375 00			375 00	550 00	Disloyal.
1557	Steel, Moses	440 00			440 00	600 00	Disloyal.
1616	Smith, Jesse	250 00			250 00	300 00	
1398	Tucker, Bartlett	125 00			125 00	150 00	
1119	Truett, A.	312 00		15,619 12	15,931 12	23,101 00	
1119	Taylor, John S.	125 00			125 00	175 00	
1565	Taylor, James C.	104 37			104 37	192 25	
1596	Telford, Hugh, and Mrs. Julia	250 00			250 00	350 00	
1615	Vaughn, William J.	285 00			285 00	435 00	Disloyal.
1605	Whitsett, W. A., administrator of James Whitsett.	239 50			239 50	565 00	
1694	Weems, Joseph	744 00			744 00	915 00	
1643							

List of claims acted upon by a commission at Nashville, Tennessee—Continued.

No. of claim.	Names of claimants.	Quartermaster's dept.	Com. Sub. department.	Damages.	Award.	Amount claimed.	Remarks.
984	Williams, Mrs. P. D.	\$1,165 00	\$24 00	.....	\$1,190 00	\$18,993 00	Disloyal.
696	Whitsett, Wm., guardian of M. P.	.....	.....	.....	.....	735 00	.....
1591	Watson, Stephen	125 00	.....	.....	.....	125 00	.....
1617	Wright, John and Lemuel	250 00	.....	.....	.....	300 00	.....
1570	Wilkins, Dana	125 00	.....	.....	.....	250 00	.....
1616	Ashley, Mrs. Mary J.	125 00	.....	.....	.....	200 00	.....
1619	Arnold, W. H.	125 00	.....	.....	.....	125 00	.....
1606	Alexander, S. S.	725 00	.....	.....	.....	175 00	.....
1416	Aleop, S. H.	125 00	.....	.....	.....	900 00	Disloyal.
1637	Aleop, Isabella	200 00	.....	.....	.....	200 00	Disloyal.
668	Blair, D. B.	.....	.....	.....	.....	200 00	.....
1542	Brown, Mrs. Judith	.....	72 00	.....	.....	185 00	Not supported.
1530	Barnes, Eli	.....	.....	.....	.....	72 00	.....
1742	Bass, William	270 00	.....	.....	.....	323 00	Disloyal.
1136	Bernard, John	250 00	.....	.....	.....	420 00	Disloyal.
1617	Beavera, William	490 00	183 00	.....	.....	3,739 00	Disloyal.
1634	Beard, John	625 00	.....	.....	.....	750 00	Disloyal.
1637	Boaz, Edmund	375 00	.....	.....	.....	466 00	.....
1642	Bozell, Thomas	120 00	.....	.....	.....	120 00	.....
1621	Connell, Andrew J.	950 00	.....	.....	.....	300 00	.....
158	Carrian, S.	125 00	.....	.....	.....	150 00	.....
1613	Cummings, W. S.	.....	.....	.....	.....	100 00	Not supported.
1611	Cassion, Mrs. Catherine	245 00	.....	.....	.....	275 00	.....
1665	Davidson, Mrs. Jane	.....	.....	.....	.....	412 87	.....
1492	Dillon, C. R.	125 00	.....	.....	.....	1,040 00	.....
1763	Edwards, George W.	250 00	.....	.....	.....	2,700 00	.....
432	East, A. A.	140 00	.....	.....	.....	640 00	Disloyal.
741	Ewing, Avella	.....	.....	.....	.....	150 00	.....
1806	Fleming, A. J.	250 00	.....	.....	.....	2,000 00	This claim entitled by building fences, &c.
40	French, H. S.	400 00	.....	.....	.....	410 00	Disloyal.
1418	Flaming, Alfred	.....	660 00	.....	.....	5,942 00	.....
200	Gandy, Thomas, heirs of	.....	.....	.....	.....	2,950 00	Not supported.
1616	Haris, Jacob	100 00	.....	.....	.....	1,081 61	.....
1616	Howard, Elizabeth	.....	.....	.....	.....	100 00	.....
				107 40	107 40	164 00	Colored

1781	Halpin, Patrick							599 77	
1716	Hollister, H. H.	778 50				500 00	778 50	1,299 00	Disloyal.
464	Harding, Thomas	10,460 00	843 75			11,303 75	25,968 00	Disloyal.	
1790	Harrison, Abnerworth	215 00	208 00			423 00	726 00	164 00	Disloyal.
1841	Isom, Mrs. Mary A.	135 00				1,000 00	1,200 00	348 00	
61	Irvia, G. W.		75 00			75 00	200 00	570 00	Disloyal.
1177	Jones, John L.					100 00	57 50	191 50	Disloyal.
1496	Johnson, Andrew	100 00				45 00	145 00	977 00	
1371	Jordan, Freeman W.	406 00				33 00	33 00	50 00	
1194	Janett, William	57 50				33 05	33 05	50 00	
15	Karr, Alexander	100 00				41,381 68	44,997 68	205,117 75	Two out of five heirs in rebel army.
773	Keeton, Thomas J.							2,686 00	Not supported.
1796	Kerley, Mrs. Martha							325 00	Rebel.
1791	Lytle, Mrs. Sophia, and heirs of W. F. Lytle, deceased.	1,925 00	1,691 00	41,381 68				366 00	Not supported.
1793	Lytle, William H.								Dismissed, as claimant was in the rebel army.
1840	Lytle, Sam.	265 00							Disloyal.
179	Lancer, T. C.								Disloyal.
568	Loeb, B. B.								Disloyal.
1708	Lano, Woodson	125 00						140 00	Disloyal.
1636	McDaniel, Mrs. Mary	250 00						250 00	Disloyal.
1130	Murfree, Mrs. T. P.	120 00		8,607 00			8,727 00	22,500 00	Disloyal.
1639	Mickle, John M.	100 00					100 00	250 00	Not supported.
1472	Manly, George T.							100 00	Not supported.
977	McCann, R.							3,165 00	Rebel.
609	McWhiter, A. J.							1,143 00	Rebel officer.
90	Mauey, Thomas							4,000 00	Refused to file declaration or swear to bill.
1131	McLendon, T. J.	107 50					107 50	206 50	
957	Minchen, E. C.			793 00			793 00	915 00	Disloyal.
602	McCampbell, T. C.	100 00					100 00	25,355 00	Disloyal, and failed to support by evidence.
1757	McMahon, Ansel	119 50					119 50	167 50	Disloyal.
1739	McNear, Jarret		34 50				34 50	983 95	Not supported.
149	Mayfield, G. A. G.	50 00					50 00	600 00	Not supported.
90	Marburg, M.	100 00					100 00	400 00	
1541	Neely, Isaac G.	40 00					100 85	169 85	
1496	Nance, C. W.	120 00	2 75	430 65			474 40	2,164 94	Disloyal.
91	Nowell, H. L.	120 00	18 00	241 25			379 25	1,227 85	
949	Overton, James	1,033 00	692 00	6,482 49			8,187 49	65,677 00	Disloyal.
949	Oldham, C. H.	436 00					435 00	800 00	Disloyal.
979	Pamplin, Cynthia A.	225 00					225 00	300 00	Disloyal.

List of claims acted upon by a commission at Nashville, Tennessee—Continued.

No. of claim.	Names of claimants.	Quartermaster's dep't.	Com. Sub. department.	Damages.	Award.	Amount claimed.	Remarks.
1885	Phillips, Charles	990 00			\$90 00	\$90 00	
1886	Puckett, Lucien A.	125 00			125 00	150 00	
1115	Pomroy, William	16 80			16 80	16 80	Disloyal.
37	Percy, Miss Elmor and Henrietta			\$44 25	44 25	275 00	
1490	Folk, James K.	190 00			120 00	120 00	Disloyal.
1810	Paabam, Miss Margaret	125 00			125 00	150 00	
52	Raferly, James					50 00	Not supported.
760	Ray, Elizabeth					314 00	Husband in the rebel army.
1652	Revos, J. P.	225 00			225 00	275 00	Rebel.
1809	Rhea, John J.	350 42			792 00	477 50	
1812	Rhea, Mrs. Nancy	490 00			490 00	728 75	
1883	Steelman, John H.	200 00			200 00	200 00	Disloyal.
816	Spain, Ann	54 25	\$7 50		61 75	136 64	
7	Stimmons, William			1,056 00	1,056 00	1,056 00	
1377	Stewart, Thomas B.					540 00	Not supported.
33	Shaffer, R. W.	905 00			905 00	2,140 00	Disloyal.
1193	Sanders, William J.					492 00	Not supported.
1778	Smith, F. R.	395 00	42 20		337 20	449 00	
1853	Sawyer, G. W.	988 00	280 00		1,268 00	1,892 50	Disloyal.
1473	Taylor, William C.	100 00			100 00	100 00	
1403	Town, R. A.	22 50			22 50	92 50	
190	Thompson, John					54 50	Not supported.
397	Thompson, John L.	4,630 00		175 00	4,805 00	14,341 03	Disloyal.
1814	Thornton, H. J.	325 00			325 00	390 00	Disloyal.
1798	Tipton, William G.	875 00			875 00	1,600 00	Disloyal.
265	Thompson & Co.					3,000 00	Not supported.
360	Veeler, William	90 00			90 00	90 00	
58	Vedden, John	84 00	34 00		118 00	327 50	
1737	Vernon, Thomas	623 00	21 00		644 00	1,955 00	
1673	Alley, Rebecca			900 00	900 00	1,000 00	
1660	Anderson, Patrick H.	904 00			909 00	4,945 00	Disloyal.
1460	Anderson, William G.	643 50	5 00		648 50	1,729 50	Disloyal.
1778	Ashley, Joseph A.	1,056 00	534 50		1,590 50	2,300 00	Rebel officer.
1646	Ashley, William	125 00			125 00	125 00	Disloyal.

1846	Ashby, G. W	125 00	.....	.....	125 00	.....	125 00	Disloyal.
219	Allen, Arthur	.....	.....	.....	.....	.....	299 00	Not supported.
1437	Allison, James P	350 00	.....	.....	350 00	.....	1,840 00	Disloyal.
1482	Alston, William J	125 00	.....	.....	125 00	.....	500 00	Disloyal.
252	Allen, M. S	40 00	.....	.....	40 00	.....	200 00	.....
1386	Boyd, William A	690 00	31 50	.....	721 50	.....	1,060 00	Disloyal.
1849	Blair, Mrs. Ann	200 00	.....	.....	200 00	.....	300 00	.....
303	Brown, Neil S., and wife	235 00	50 00	.....	285 00	.....	2,526 75	Disloyal.
1550	Bryan, Finnes E	125 00	.....	.....	125 00	.....	350 00	Disloyal.
1089	Barrow, Estate of Mathew	160 00	.....	.....	160 00	.....	12,500 00	.....
1622	Burrow, James R	.....	.....	.....	.....	.....	200 00	Not supported.
771	Berry, William T	.....	.....	.....	.....	.....	3,000 00	Not supported.
194	Board of Education, Nashville	.....	.....	.....	.....	.....	.....	Not supported.
9	Binkley, heirs, H. S. and A. G	.....	8,000 00	.....	8,000 00	.....	10,000 00	St. Cloud hill.
1476	Boxley, William J	400 00	.....	.....	400 00	.....	535 00	Disloyal.
1582	Baker, A. J	40 00	.....	.....	40 00	.....	165 00	.....
1744	Bass, Ezekiel	240 00	.....	.....	240 00	.....	440 00	Disloyal.
1301	Beasley, James A	100 00	.....	.....	100 00	.....	250 00	Disloyal.
1523	Brown, Mrs. Beaty	615 50	.....	.....	615 50	.....	942 50	.....
1186	Binkley, Henry T	40 00	.....	.....	40 00	.....	841 00	Disloyal.
1697	Bell, John S	5 00	32 69	.....	37 69	.....	191 70	Disloyal.
1580	Cannon, William P	125 00	.....	.....	125 00	.....	590 00	Disloyal.
1833	Clark, T. W	400 00	.....	.....	400 00	.....	625 00	Disloyal.
1608	Cage, John O	1,312 00	.....	6,777 00	8,089 00	.....	17,003 50	.....
1632	Clark, John A	125 00	.....	.....	125 00	.....	165 25	.....
847	Clashune, M. G. L	.....	100 00	3,214 00	3,214 00	.....	6,781 00	Loyal.
1787	Cooksey, George T	311 00	.....	.....	411 00	.....	796 85	Disloyal.
927	Charlton, J. H., guardian	.....	.....	9,412 00	9,412 00	.....	2,500 00	Not supported.
928	Charlton, J. H.	.....	.....	.....	.....	.....	15,000 00	.....
1493	Conner, John J	100 00	.....	.....	100 00	.....	100 00	.....
620	Cardwell, John	115 00	.....	.....	115 00	.....	115 00	Disloyal.
1465	Cunningham, L. T	.....	.....	.....	.....	.....	1,700 00	Not supported.
836	Cannon, Mrs. R. S	.....	195 00	.....	195 00	.....	405 00	.....
1822	Cameron, James, and wife	.....	20,000 00	.....	20,000 00	.....	23,987 50	.....
1847	Cowan, R. W	497 00	77 20	.....	497 00	.....	1,043 50	.....
1843	Cotner, George	977 50	.....	1,364 00	2,418 70	.....	5,553 60	Disloyal.
1081	Cunningham, Amanda C	54 50	.....	.....	54 50	.....	1,784 50	.....
951	Carney, J. M	37 50	.....	.....	37 50	.....	1,809 00	Disloyal.
1091	Cook, Lewis	138 00	.....	.....	138 00	.....	205 00	No declaration.
1468	Douglas, Mrs. Mary A	.....	151 48	.....	151 48	.....	810 00	.....
1752	Dillon, William	125 00	.....	.....	125 00	.....	300 00	Disloyal.

List of claims acted upon by a commission at Nashville, Tennessee—Continued.

No. of claim.	Names of claimants.	Quartermaster's dep't.	Com. Sub. department.	Damages.	Award.	Amount claimed.	Remarks.
1663	Datch, William B.	\$325 50	\$150 00	.....	\$975 00	\$3,470 00	Disloyal.
1664	Demmer, William M.	4 00	.....	.....	4 00	3,118 00	Rebel; refused to file declaration.
1795	Estate of James M. Collier.	.....	.....	\$5,575 80	5,575 70	7,908 60	Disloyal.
1847	Ellis, Urely.	125 00	.....	.....	125 00	155 00	.....
1940	Estate of John Shelly.	3,984 00	.....	.....	3,984 00	12,508 00	Heirs all disloyal; some in rebel army.
1845	Estate of Camus Logue.	627 50	.....	.....	627 50	1,177 00	Heirs all disloyal; some in rebel army.
1848	Erwin, James.	62 50	.....	.....	654 50	1,010 00	Disloyal.
1944	Estate of E. M. Patterson.	106 50	93 00	500 00	106 50	2,734 80	Rebel, killed in guerilla fight near Nashville.
1710	Fife, Jacob.	575 50	.....	.....	575 50	230 00	Disloyal.
1844	Farria, J. R.	374 50	.....	.....	374 50	889 25	Disloyal.
1535	Foster, Isaac M.	387 00	.....	.....	387 00	1,096 20	Disloyal.
1536	Grisson, James W.	980 00	.....	.....	980 00	1,288 00	Disloyal.
1653	Greenfield, James T. S.	40 00	.....	.....	40 00	5,150 00	Hardened rebels.
1650	Grizzard, L. H.	988 00	120 00	.....	1,088 00	2,080 40	Disloyal.
1794	Goodall, Harrison A.	120 00	.....	.....	120 00	280 00	Disloyal.
1413	Gray, James W.	379 00	.....	.....	379 00	450 00	Disloyal.
1116	Gray, D. J.	8 10	.....	.....	8 10	8 10	.....
1646	Grigsby, W. H.	.....	.....	.....	.....	350 00	Not supported.
1719	Guthrie, Mrs. Margaret.	44 00	.....	.....	44 00	66 00	.....
1511	Gentry, Joseph S.	197 25	.....	.....	197 25	898 00	Disloyal.
1583	Hendrix, Thomas L.	.....	.....	.....	.....	151 00	Not supported.
1497	Hughes, R. B.	375 00	.....	.....	375 00	665 00	Disloyal.
1775	Hersh, P.	132 50	.....	91 00	31 00	136 50	Disloyal.
1498	Harrison, Edmond.	.....	.....	.....	132 50	703 00	Disloyal.
1403	Harrison, John.	.....	.....	.....	.....	550 00	Not proven.
1424	Hamer, R. P.	.....	90 00	.....	.....	105 00	.....
1649	Hays, James.	125 00	.....	.....	125 00	350 00	Disloyal.
1658	Harris, William.	225 00	.....	.....	225 00	400 00	Disloyal.
1458	Hobbs, Richard.	125 00	.....	.....	125 00	300 00	Disloyal.
1076	Horn, Stephen H.	45 00	.....	.....	45 00	1,363 15	Disloyal.
1750	Harris, Nathan T.	286 50	.....	.....	286 50	489 50	Rebel.
1250	Hanaway, William H.	185 00	.....	.....	185 00	177 80	Loyal.
1600	Hicks, R. B.	100 00	.....	.....	100 00	398 13	Disloyal.
1100	Hinsford, Margaret.	.....	.....	5,000 00	5,000 00	10,000 00	.....

List of claims acted upon by a commission at Nashville, Tennessee—Continued.

No. of claim.	Names of claimants	Quartermaster's dept.	Com. Sub. department.	Damages.	Award.	Amount claimed	Remarks.
1602	*Sullivan, William.....	250 00				135 00	Not supported.
1711	Sherrell, Lewis.....	122 50			250 00	350 00	Disloyal.
1612	Shelton, William M.....	1,069 00	130 00		122 50	233 75	Disloyal.
1402	Shute, Philip C.....				1,199 00	1,690 00	Disloyal.
526	Seovel, H. G.....			456 00	456 00	3,040 00	Loyal.
784	Spence, Brent.....					3,535 00	Rebel; not supported.
549	Spriggs, William.....					747 50	Not supported.
1389	Sinclair, Henry C.....					250 00	Not supported.
1775	Scob, John B.....	2,412 00	268 00	190 00	2,890 00	5,253 00	Disloyal.
1451	Summehill, J. A.....	62 50			82 50	332 50	Disloyal.
1807	Thomasson, Hugh.....	1,890 00	0 30		1,898 30	4,215 00	Disloyal.
1921	Thompson, M. N.....	375 00			375 00	632 50	Disloyal.
1620	Tindall, W. W.....	77 00	50 00		127 00	171 25	Loyal.
1462	Tribble, William H.....	100 00			100 00	230 00	Loyal.
714	Taylor, John.....	720 00	650 50		1,379 50	2,102 50	Rebel.
56	Temple, Charles L.....	10 00			10 00	697 00	Rebel; not supported.
167	University of Nashville.....						Not supported. Balanced by repairs and improvements.
1789	Vantres, George.....	125 00			125 00	135 00	Disloyal.
1536	Wright, W. M., estate.....	350 00		383 00	383 00	1,384 52	Disloyal.
1547	Weoms, Nathaniel C.....				350 00	1,390 00	Disloyal.
1396	Waters, Sarah E.....	250 00				346 00	Not supported.
1653	Whit, William.....	702 00		604 00	950 00	350 00	Disloyal.
1391	Wood, Johnson.....	1,020 00	96 00		1,306 00	8,602 00	Disloyal.
1636	Whitaker, George.....	217 50	131 88		1,106 00	1,967 50	Disloyal.
1744	Wood, William J.....	200 00			340 39	542 68	Disloyal.
1650	Wrenn, A. M.....	140 00		218 00	418 00	607 50	Disloyal.
1561	Watkins, W. H.....	20 00			140 00	150 00	Loyal.
584	Wolfe, Mrs. Elizabeth.....	17 50			20 00	40 00	
603	Willson, John.....	37 50			17 50	37 50	
1002	Webb, Nancy.....	317 50			37 50	160 00	
307	Whitworth, James.....	940 00			317 50	479 80	Disloyal
1674	Williams, A. B.....				440 00	360 00	Disloyal

1281	Willkerson, W. H.	140 00	.....	140 00	150 00	Disloyal.
1856	Mosley, H. Shelbyville	685 00	.....	685 00	735 00	Loyal.
1853	Smith, Mrs. Louisa.	280 00	100 00	489 00	655 00	Loyal.
1855	Courtney, Mrs. E. J.	295 37	.....	295 37	295 37	Not supported.
421	Walker, James E.	.....	.....	.....	350 00	Not supported.
1338	Walker, Francis	497 00	.....	497 00	852 00	.....
1779	Waldpool, James.	.....	36 00	36 00	36 00	Rebel.
1334	Williams, John D.	130 00	.....	130 00	130 00	.....
1363	White, William M.	27 00	.....	27 00	36 00	.....
1825	Williams, William	176 00	10 00	186 00	300 00	Disloyal.
401	Woods, Lewis & Co.	11,735 25	1,448 80	107,587 80	189,683 80	.....
1625	Whitley, Mrs. Ann E.	.....	262 50	262 50	387 00	.....
622	Wherry, John J.	896 40	.....	896 40	2,437 67	Disloyal.
353	Wilson, Mrs. Eliza.	2,126 00	.....	2,126 00	5,215 00	Disloyal.
59	White, Mrs. Winifred	300 00	81 05	381 05	500 00	.....
1819	Wilhart, John	250 00	.....	250 00	300 00	Disloyal.
1803	Wood, F. P.	910 00	15 75	925 75	1,556 00	Disloyal.
1816	Yaunt, Moses W.	250 00	.....	250 00	300 00	Rebel.
1750	Harris, Nathan F.	286 50	.....	286 50	422 50	.....
714	Taylor, John	720 00	659 50	1,379 50	2,162 50	.....
584	Wolfe, Mrs. Elizabeth	20 00	.....	20 00	20 00	.....

* Taken with his horse while on furlough from rebel army.

A true copy:

BENJAMIN C. CARD,
Brevet Brigadier General, A. Q. M.

QUARTERMASTER GENERAL'S OFFICE, March 1, 1867.

C

NOVEMBER 17, 1864.

GENERAL: Having closed the labors of the board of claims established by Special Field Order No. 69, Par. III, dated March 13, 1863, it may not be improper to give our views respecting the objects of its organization. There is but little doubt one object in its establishment was to save the various departments here from the incessant inpouring of *irregular accounts*, necessarily very large from the fact that all foraging done for at least the first year of our occupation here was attended with much risk and generally under strong escort making it necessary to use every effort to load trains and return as soon as possible, not unfrequently followed by the enemy within sight of our city. Of course, in such a state of things it was next to impossible for forage masters to give correct vouchers or receipts.

Another object was to conciliate as far as proper those who had suffered, and at the same time delay their claims until we could see how matters would prosper here, &c.

The last but not least was to perpetuate a complete history of all claims while the evidence of them was living, so that hereafter these written memorials left by this board would prevent future action and fraud by introducing heavy claims with *ex parte* evidence, and working them through Congress by *bribery and political demagogism*, to the great injury of our government and its loyal people.

For this purpose we have been careful to have satisfactory answers from claimants as to whether they had any other evidence than that before the board, after reading the same to them, and have never closed or awarded an account until they appeared satisfied, often keeping claims open for months, and not unfrequently by writing or otherwise notifying them of deficiencies in evidence, it being our determination to give every facility for proof that the disturbed state of affairs would admit of. As far as I am concerned, I have never awarded one claim, preferring to have that done by the other members of the board, that in after days no one could say decisions were swayed by prejudice. All awards have been examined, copied, and approved by me as recorder, and in not over five has suggestion been made for attention on account of some overlooked part of evidence.

Order convening board is as follows:

HEADQUARTERS DEPARTMENT OF THE CUMBERLAND
Murfreesboro', March 13, 1863.

SPECIAL FIELD ORDER, }
No. 69. }

III...A board of commissioners, consisting of three citizens and two officers, is hereby appointed to investigate and report upon the damages sustained by the citizens of Nashville and vicinity from the occupation of the place by the military forces of the United States.

Detail for the board.

Hon. Russell Houston; Horace H. Harrison, esq.; William Driver, esq.; Captain A. D. Vanosdal, 3d Indiana cavalry, and Captain S. F. Allen, 20th Indiana volunteers.

The board will meet on Monday next, March 16, at 10 o'clock a. m., at such place in the city of Nashville as they may select, and all claims for the year ending December 31, 1862, must be presented before April 1, 1863.

By command of Major General Rosecrans:

H. THRALL, *Captain and A. A. G.*

These orders have been changed and modified several times during our sittings, and various changes have taken place among members of the board which are unnecessary to detail here: suffice it to say, that in accordance with these orders, we have filed in writing all evidence adduced by claimants, giving them every facility to bring forward proof of claims, and in face of all this we have been unable to award justly and truly over thirty-nine and a fraction per cent. on such claims as have been completed to this date, November 1, 1864.

The number of these claims is 1,496; awards as follows:

Quartermaster's department.....	\$544, 141 44
Commissary department.....	85, 849 32
General damages	409, 055 09
Total.....	<u>1, 039, 045 85</u>

Amount claimed, \$2, 620, 367 02.

The excess of claims over awards being \$1,581,321 17. We have endeavored to do our duty alike to government and citizen, as will, we trust, be seen on examining the papers of these fourteen hundred and ninety-six cases, now complete for the department to which they may be assigned.

In our first instructions we were advised that the "question of loyalty or disloyalty" did not necessarily form part of our inquiry. We were instructed, however, to keep in view the "dignity and integrity of our government," General Rosocrans verbally suggesting to our chairman, R. Houston, esq., the propriety of filing some sort of a declaration as to citizenship; accordingly, the board adopted the following simple form as best suited to the wants of the people, and at the same time all that was required to give their claims a hearing in any court of the United States:

Declaration.

I am a true and faithful citizen of the United States; claim to be entitled to all the privileges and under all the obligations appertaining to such citizenship.

The board, however, under the mild, conciliatory order of General Rosecrans, soon found that nearly all claimants for sums of any considerable amount were rebels, had voted for separation in June, 1861, and that their claims were enormous, as may be seen by examining the foregoing record, showing that of all amounts claimed three-fourths belong to disloyal persons who have done all in their power to destroy our government. On General Thomas taking command of this department, our orders were so modified as to make the question of loyalty or disloyalty a part of the investigation and record. Since that time we have tried and awarded five hundred and twenty new claims, amounting to \$1,287,195 19. Of these only fifty-three were loyal, and these (except in one instance) were all men of common circumstances, or very poor. Add these to forty-two cases tried previous to April 1, 1864, and we have ninety-five men who did not vote for separation in June, 1861. Out of fourteen hundred and ninety-six claims these are recorded loyal from the fact of their not voting for separation, when no doubt many of them aided and abetted rebellion after it became a fixed fact. At the period above alluded to we added to the declaration above, "I voted for separation June 8, 1861;" (or the contrary, as the case might be;) "took the oath of allegiance to the United States — day —, &c.; took the amnesty oath," &c., claimants producing certificates of same. To each claim we affixed the following oath, forever barring other action in same:

Oath.

This day personally appeared before the board of claims A B, and made oath in due form of law that the above account is just and true; that the articles therein named were taken or destroyed (as the case might be) by the forces of the United States, and no part thereof has been paid for or adjudicated in any way by receipt or otherwise, &c.; that this bill, constituting my entire claim against the United States to this date, has not been presented to any other court or board of claims for settlement, and will not be, &c.

Signed and sworn to before me this — day of —, &c.

_____.

Thus we have endeavored to protect the government as far as possible from fraud, *should these claims ever be paid*. We have seldom found it necessary to summon rebutting evidence outside of that wrung from plaintiffs' own witnesses; guilty of treason as most of them had been, a military court was no place for dodging and prevarication. It is true, claims were sometimes enormous, but they were made out at home, outside of those influences which hang around a court-room. On the whole, there seemed among all classes a determination to wring out of our government every possible dollar. How far they succeeded can be seen by looking at abstract of claims and awards in the preceding pages.

Among the claimants are some of the most influential and wealthy men of this State, who not only voted for separation but stood prominently forward urging on the fearful ruin. "Their purse, their voice, their all was pledged, if needed," to aid the accursed cause of rebellion. In this number stand foremost William Giles Harding, Byrd Douglas, Nicholas Hobson, William H. Hagin, Enoch Einsley and sons, F. R. Rains, the Overtons, Bosticks, Murfrees, Beasley, and many others who deserve a particular notice. Their history, however, forms no part of the business of this board; therefore we simply mark them rebels or disloyal, which should forever void all claims they may have filed against the government of the United States, as they have done all in their power to destroy that government. I should have named, also, W. D. Phillips. The amount claimed by such men is, from a record of my own, \$1,904,553 16, or about seventy-three per cent. of all the claims tried up to above date. Amount awarded on these is \$713,689 54, payable in such manner as government may direct.

We also find unsupported by any evidence, or evidence sufficient to warrant award against the United States, the sum of \$86,137 32, most of which is rebel. Add this to the above and you have \$1,990,690 48, or about seventy-five per cent. of all claims tried thus far before this board. The balance, about \$642,180 72, belonged to those who took little or no part in the struggle, or at least willingly. Many of these were tried before our last orders. Many are

poor and helpless, and not a few really in want and suffering. How many of them voted for separation it will be difficult now to determine, but, from our experience, we are compelled to say about three-fifths. Of this number, (662,) one hundred and thirty are females; twenty three estates and agencies, and fourteen colored persons, in all 167; which add to 95 claims considered loyal, and you have 262 who did not vote for separation. As before said, there is no doubt all the balance did: the poor from inability to resist the pressure, the rich to hold that power which slavery gave them, or from a desire for change, the curse of a wealthy, idle, heartless people.

Of these last claims we have made particular note, as the claimants could not well resist rebellion, and we feel that it would not only be wise but just for government to pay at once such parts of those claims as are awarded for forage and supplies for the army, and were necessary for its very existence, the amount being small, as follows: Quartermaster department, \$105,598 50; commissary department, \$14,875 90; and about, general damages, \$20,000, for houses of the poor destroyed in and around Nashville, (same being in way of the fortifications,) and you have \$140,474 40, about all that we would advise paying until the end of war, *if ever paid*. The payment of this sum will be an act of justice, and is demanded in defence of the dignity and honor of our government, which we were charged to guard. It will do more to soften the bitter feelings of distrust and suspicion with which that government is now viewed by the poor than any former act of forbearance. We must win back the poor, whose minds have become alienated by oppression, not unfrequently heaped on them by upstarts. The amounts should be paid in cash, not vouchers to be shaved by national banks, brokers, and their combinations, as the very lowest prices have been allowed for produce. The vouchers for the claims are all made out in duplicate or triplicate form, signed by the recorder and chairman of the board, and filed with claim, making our work so complete that there will be but little for those to do who are intrusted with their final settlement.

There are now on file awaiting evidence 520 claims, amounting to \$540,205 69. Many of these have been on hand during the entire session, which is caused by want of conveyance for witnesses and the difficulty of procuring passes, &c. Add these to the amount already tried and you find 2,016 claims, amounting to \$3,160,572 71, amount of claims in the hands of the board at the close of its session.

Some very large claims were withdrawn in the early part of our term and referred to "special commissions." These would have swelled our amount to about four millions. Among them was a lot of cotton claims, the award on which amounted to near \$600,000, as we were informed by the recorder of that commission. We mention this, as there will be a discrepancy between the number of claims recorded and our final report.

The object of withdrawing these claims was undoubtedly for the purpose of getting them audited and paid, even at the expense of a little log-rolling and manœuvring. It is to be hoped, however, that if such was the object of the claimants, they were disappointed, as the award for damages, if report is true, amounted to more than the original cost of cotton. There has been reported at the board, over and above all these, 400 claims at Pulaski and 100 at Springfield, and their vicinity; also many at Murfreesboro', most of which are small claims.

All of which is respectfully submitted.

With much respect, your servant,

WILLIAM DRIVER,
Recorder of Board.

Major General G. H. THOMAS,
Commanding Department of the Cumberland.

QUARTERMASTER GENERAL'S OFFICE,
March 1, 1867.

A true copy:

BENJAMIN C. CARD,
Brevet Brigadier General, Assistant Quartermaster.

D.

List of untried claims transferred by Nashville board of claims to new board.

No.	Names of claimants.	Amount.
1624.	Allen, Sanford G.	\$300 00
11.	Allison, William C.	147 00
1252.	Adkinson, John H.	900 00
812.	Administrators of F. K. Zollicoffer.	135 00
403.	Allen, Henry J.	1,967 70
567.	Allen, W. W.	1,000 00
293.	Anderson, R. C. and Phil.	800 00
1059.	Arrington, Mrs. Sallie	155 00
729.	Blind hospital	40,000 00
379.	Baker, John S.	105 00
371.	Bradford, G. G.	400 00
351.	Brantley, ———	751 35
438.	Brown, ———	552 50
385.	Buley, John G.	1,091 00
901.	Bradford, Elizabeth.	550 00
299.	Broad Street Bridge Company.	500 00
940.	Bostick, Mrs. H. P.	500 00
1012.	Berkley, W. B.	291 00
608.	Burns, Michael.	2,891 32
77.	Baldwin, Samuel D.	300 00
129.	Boyd, Archibald.	1,100 00
287.	Bayne, John L.	761 25
792.	Bond, Benjamin.	80 00
919.	Bransford, Mrs. L. A.	80 00
886.	Berry, C. F., guardian.	517 00
223.	Berger, James.	300 00
1366.	Barnes, M., second account.	950 00
1487.	Barr, Algolan.	385 00
1405.	Barber, Lemuel.	150 00
1370.	Blocker, S. A.	1,061 00
1165.	Bruce, Joseph P.	170 00
1497.	Baker, Wade.	6,465 00
1446.	Bethel, Rufus.	2,180 00
1506.	Beech, Branch B.	245 00
1428.	Blair, A. F.	215 00
1420.	Blankenship, D. M.	156 75
1514.	Bell, William M.	810 00
1791.	Begley, John.	450 00
1503.	Brothers, J. C.	319 00
1026.	Bruce, G. W.	42 00
1074.	Bruce, J. W.	125 00
1000.	Boehler, Herman.	140 00
666.	Beatey, John.	300 00
789.	Brown, J. D.	147 00
899.	Bradford, W. H.	555 00
1931.	Coleman, George M.	700 00
1222.	Cartwright, John.	123 00
1359.	Cloyd, William P.	579 00
1642.	Cross, E. D.	1,840 00
1782.	Clelaud, Charles.	175 00
1801.	Cearnealle, M. C.	2,985 00
1407.	Copland, Samuel M.	1,010 00
1453.	Croswait, George.	675 00
1521.	Coldwell, A. B.	515 00
892.	Carr, Tolbert.	577 00
738.	Cowley, J. B.	102 00
681.	Couch & Anderson.	300 00
1080.	Creedon, James.	150 00
529.	Campbell, Thomas A.	466 00
679.	Cox, Olivia, (withdrawn.)	
575.	Curtis, John.	32 00
411.	Callender, Thomas.	264 00
756.	Cook & Downs.	300 00
361.	Cook, Mrs. C.	1,000 00

No.	Names of claimants.	Amount.
1117.	Carnes, Sarah M.	\$30 00
459.	Claiborne, Sarah M.	200 00
891.	Craighead, Mary H.	1,500 00
1063.	Cowen, Martin	20 00
1193.	Chambers, Thomas A.	1,533 00
1010.	Carrigan, Jesse	361 00
914.	Cook, Thomas	35 00
718.	Caruthers, Robert	750 00
949.	Cheatham, T. R.	835 00
1431.	Dodson, William C.	600 00
1360.	Dismukes, Paul	900 00
1690.	Davis, Solomon	280 00
1418.	Donnel, Stephen	450 00
1417.	Dawson, Henry T.	150 00
1259.	Dillon, A. M.	200 00
1538.	Davis, A. J.	630 00
1556.	Davis, Wilson D.	630 00
1494.	Drennan, John	1,355 00
1515.	Dunagan, J. C.	145 00
1544.	Dillon & Co.	1,200 00
1381.	Dozier, David	149 00
120.	Davis, James	350 00
1095.	Drake, James M.	150 00
572.	Duffey, Catherine	133 20
522.	Demoss, J. S.	60 00
701.	Duncan, A. J.	5,000 00
290.	Dunlap, John	32 70
240.	Donnally, Michael	27 50
242.	Drake, Charles (colored)	200 00
1185.	Exume, Elijah S.	291 00
1532.	Estate of J. K. Buchanan	1,298 00
1509.	East, W. A.	600 00
720.	Eakin, William S.	5,000 00
593.	Elliott, C. D.	50,050 00
1263.	Ewing, Randal Mc	400 00
601.	Eubank, S. B.	34 25
553.	Edmonson, J. K.	5,180 00
653.	Estes, Sarah E.	769 00
862.	Ewing, J. O. & M. E. Allaway	675 00
1178.	Forrest, Mrs. Martha	2,900 00
503.	Foster, J. W.	128 25
1020.	Fulcher, John W.	320 00
1057.	Falkner, Mrs. Catherine	81 25
920.	Frances, Eliza	88 00
704.	Falkner, Ann	1,500 00
356.	Fort, E. P.	300 00
667.	Fulgham, Mary C.	197 60
1805.	Farrell, William	21 00
1087.	Ferguson, James H.	40 00
1700.	Gleaves, John R.	150 00
1486.	Greenfield, James	220 00
1484.	Gholson, Anthony	155 00
1824.	Gunn, Mrs. Joanna	380 00
1276.	Goodwin, Mrs. Martha	100 00
1834.	Gibson, R. B.	260 00
1438.	Garnett, Wilkins T.	4,730 00
962.	Gleaves, W. A.	700 00
1032.	Gordon, F. H.	156 00
80.	Green, A. L. P.	4,000 00
489.	Gee, Smith H.	1,332 00
238.	Gillesey, James	180 00
502.	Graham, Monroe	300 00
1003.	Graham, W. W.	25 00
760.	Gowen, M. J.	745 00
804.	Guthrie, John	600 00
869.	Goostree, Cherry Ann	25 00
921.	Goodwin, Elizabeth	1,074 00
925.	Greenbury, T. W.	800 00
108.	Hashcok, J. G.	40 00

name of claimants.	Amount.
er, Mrs. A.....	\$575 00
, S. C.....	335 00
ion, John W.....	235 00
J. L. L.....	311 20
of John Seigler.....	3,000 00
ins, R. A.....	1,033 00
Churchwell.....	24 62
y, W. N.....	1 031 50
ins, D. G.....	275 00
er, Jesse.....	765 00
, Richard M.....	446 00
er, John.....	150 00
John C.....	360 00
blin, Mary.....	339 00
ian, David C.....	244 00
ard, R. P.....	114 00
on, Otwaru.....	160 00
Shelton S.....	187 00
Joseph.....	23 00
erson Brothers.....	348 40
, Nathaniel.....	277 00
er, Asa.....	200 00
son, Samuel K.....	150 00
s, Theodore.....	2,734 80
y, Thomas K.....	2,069 98
er, John W.....	140 00
n, William E.....	150 00
e, William.....	39 00
tins, N.....	200 00
, H. E.....	118 50
Henry.....	990 12
astle & Gerrett.....	93 00
ard, W. D.....	925 88
n, Jacob.....	905 00
lton, Joseph G.....	1,000 00
erson, A. G.....	800 00
, F. A., administrator.....	296 00
ital, Insane.....	3,333 50
s, John D., trustee for James Sloan.....	6,883 00
ion, Caroline.....	899 00
on, J. H.....	64 15
ion, Thomas.....	161 00
i, Eveline.....	5,000 00
t, David D.....	980 00
, J. H.....	200 00
ngs, S. K.....	460 00
n, S. B.....	100 00
ns, George N.....	716 00
t, Allen R.....	800 00
on, Andrew.....	443 00
n, Henry.....	126 00
ag, J. B.....	306 00
atrick & Downs.....	1,967 00
o, Elizabeth.....	2,068 00
land & Ferguson.....	534 24
, William.....	125 00
r, W. H.....	100 00
i, Isaac.....	236 00
ey, A. V. S.....	10,000 00
l, Joseph.....	15,157 50
i, John S.....	40 00
nhugher, Charles.....	175 00
ey, J. W.....	500 00
omb, George.....	840 00
ie, J. B.....	124 36
t, W. G.....	255 00
s, Joseph.....	248 00
oy, Richard.....	177 74
i, James.....	90 00

No.	Names of claimants.	Amount.
555.	Mullen, R. C.	\$1,866 00
931.	Morrison, Martha A.	600 00
610.	Martin, Frank	65 00
614.	Murray, William	469 15
981.	Mooney, Ann	315 00
896.	McCrary, Jo.	300 00
538.	Matlock, Thomas	20 00
323.	McMurray, G. W. N.	390 00
447.	McGavock, John W.	1,115 00
396.	Mills, John A.	40 00
543.	Morrison, Cath.	250 00
1831.	March, Mrs. Ann	235 00
1650.	Meriweather, M. L.	190 00
1489.	McGaw, John P.	445 00
1353.	Mason, J. S. E.	160 00
1626.	Moore, W. H.	125 00
1369.	Muskin, J. A.	90 00
1478.	Moore, William	125 00
173.	Nelan, Bridget	40 00
867.	Nelson, Lyeurgus	2,520 00
1802.	Nelson, W. H.	75 00
1766.	Neal, David	311 50
1042.	Nichol, P. L.	250 00
734.	Nashville Female Academy.	
724.	Nashville University	9,600 00
358.	Nolensville Turnpike Company	6,000 00
226.	Overton, John	25,000 00
1034.	Owen, Mary	117 00
1033.	Owen, John D.	234 00
1771.	O'Neal, Charles W.	800 00
1849.	Sæhid, Pegg.	
1539.	Parks, William	1,304 05
583.	Pasquette, Henry	407 00
533.	Patterson, Mary	270 00
355.	Page, Jefferson	100 00
574.	Paradise, J. E.	7,175 00
1510.	Putnam, Mrs. Julia C.	950 00
1455.	Page, Richard	2,500 00
413.	Page, Robert, sr.	680 00
161.	Page, Mrs. Louisa	10 00
1017.	Peters, George B.	1,506 00
978.	Perry, James	21 37
882.	Paul, Isaac	1,070 00
814.	Pinkard, Robert	70 00
731.	Pendleton, John P.	250 00
1740.	Cobb, W., and B. Roy	530 00
786.	Rains, T. B.	500 00
1049.	Rozell, Ashley	1,670 00
482.	Rowland, Joel	18 00
753.	Ray, William P.	86 00
890.	Ryan, P. M.	200 00
944.	Rust, James E.	1,621 10
70.	Reid, John	5,400 00
1204.	Rice, William K.	317 00
1287.	Rutland, Jane E.	523 75
1436.	Redman, John F.	462 50
1191.	Rhodes, E. A.	150 00
1261.	Regan, Joel A.	150 00
1851.	Shafer, George	2,418 00
414.	Shelton, M. L.	10 00
808.	Stewart, James W.	260 00
200.	Smith, W. B.	749 28
780.	Singleton, R. H.	150 00
1216.	Still, Edward	136 40
876.	Scruggs, Theo.	1,046 00
677.	Stump, F. H.	268 50
1201.	Sweeney, S. S. and P. C.	511 40
1096.	Schunler, John	3,797 50
570.	Stockwell, William H.	284 00

No.	Names of claimants.	Amount.
904.	Sorrell, W. A.	\$526 00
897.	Scrivener, Thomas	1,786 00
883.	Smith, W. H.	289 00
759.	Shumate, William, (withdrawn.)	
1799.	Sullivan, Mrs. Ariona	4,000 00
1671.	Smith, Allen	100 00
1375.	Sandey, Jesse	4,240 00
1221.	Sawyer, Dodson	125 00
1350.	Stanley, Newton	125 00
1320.	Sanders, Asa H.	1,084 00
1638.	Thompson, Andrew	150 00
179.	Thompson, R. G.	125 00
854.	Terry, Oliver D.	50 00
689.	Trabue, Edward	1,668 48
688.	Trabue, A. E.	1,000 00
611.	Thomas, Micajah	29 00
75.	Towles, Arthur	555 00
219.	Trustees Capers's Chapel	1,011 50
1136.	Trustees of Cottage Church	395 00
1025.	Thompson, W. L.	1,025 00
1174.	Tennison, Richard	445 00
1800.	Tucker, James C.	40 00
1644.	Quarries, James T.	499 00
1732.	Vantrees, Jacob H.	600 00
1767.	Vantrees, Jacob	190 00
246.	Vanleer, H. W.	5,425 00
1098.	Vaughn, Drury	560 00
1522.	Whitson, R. M.	200 00
1477.	Whitfield, T. G.	112 00
1439.	Walton, Mrs. Nancy	10 25
1611.	Winters, William.	
799.	Williams, B. B.	344 00
969.	Woodson, P. W.	152 20
135.	Williams, Benjamin	2,000 00
294.	Wood, Sarah B.	3,374 60
488.	Wilson, James H.	1,150 00
441.	Weber, Randal M.	300 00
728.	White, Manson	500 00
1146.	Willson, Robert, jr.	1,840 00
1110.	Whitley, B. W.	188 40
817.	Whittemore, William	280 00
766.	Williams, Mary	980 00
840.	Wright, Aaron	425 00
765.	Waggoner, H. B.	85 00
1869.	Walters, William L.	19,090 00
774.	White, John P.	55 00
1410.	Williams, James	1,632 00
1485.	Williams, A. M.	815 00
1460.	Westhock, Thornton	100 00
1854.	Neal, Ashley	700 00

CLAIMS PARTIALLY TRIED.

1554.	Hughs's heirs, &c	5,549 00
994.	Channing, M. H.	1,560 00
1352.	Myers, White	503 80
1851.	Roberts, J. R.	750 00
1792.	Ross, W. W.	24,604 00
1178.	Forrest, Mrs. Martha	2,900 00
	Wilson county. (Not docketed.)	
1848.	Andrews, M. H.	490 00
1849.	Beard, Richard	173 00
1850.	Cartwell, N.	982 00
1851.	Calhoun, Samuel L.	1,555 00
1852.	Calhoun, Mrs. Nellie	390 00
1853.	Clark, David	200 90
1854.	Clark, Gabriel	200 00
1855.	Carter, William	150 00
1856.	Carter, Charles T.	747 00

No.	Names of claimants.	Amount
1857.	Culey, Elisha.....	\$1,020 00
1858.	Culey, William.....	350 00
1859.	Dees, John.....	575 00
1860.	Dees, Levick, executor.....	445 00
1861.	Green, Nathan, sr.....	261 25
1862.	Griffin, G. W. O.....	250 00
1863.	Gold, Thomas M.....	275 00
1864.	Harris, Baker W.....	1,532 50
1865.	Hawkins, Elizabeth.....	200 00
1866.	Hunt, Elizabeth C.....	425 00
1867.	Horn, James B.....	405 00
1868.	Hearn, M. P.....	1,675 00
1869.	Hughes, William T.....	374 00
1870.	Harrison, E. Ruffin.....	892 00
1871.	Hunt, John.....	200 00
1872.	Hughes, Mrs. Mary.....	150 00
1873.	Hughes, J. B.....	125 00
1874.	Hunt, S. W.....	315 50
1875.	Johnson, Jesse C.....	787 50
1876.	Jones, T. G.....	100 00
1877.	Jarrett, C. R.....	760 00
1878.	Jackson, Coleman.....	375 00
1879.	Jarrett, Elizabeth.....	200 00
1880.	Jackson, D. G.....	125 00
1881.	Kindred, Thomas S.....	150 00
1882.	Miller, Mary Ann.....	750 00
1883.	Moore, Susan T.....	100 00
1884.	Moore, McCoy.....	1,775 00
1885.	McDonald, Samuel.....	585 00
1886.	McManny & Darnett.....	1,756 00
1887.	McDonald, A. J.....	715 00
1888.	Norton, R. M.....	170 00
1889.	Newman, William.....	4,510 00
1890.	Norris, L. B.....	304 00
1891.	Owen, James O.....	724 00
1892.	Page, Robert.....	715 00
1893.	Pemberton, James.....	200 00
1894.	Petty, John Topley.....	150 00
1895.	Pettway, Thomas.....	212 50
1896.	Rallston, William.....	260 00
1897.	Rucks, Howell T.....	200 00
1898.	Reed, Robert D.....	175 00
1899.	Reeves, Mrs. Sarah.....	500 00
1900.	Redman, Augustus.....	200 00
1901.	Shute, Hannah H.....	950 00
1902.	Stratton, Thomas J.....	1,741 00
1903.	Stanford, William J.....	585 00
1904.	Smithwick, L. M.....	150 00
1905.	Shipp, L. D.....	150 00
1906.	Shearon, F. M.....	1,523 50
1907.	Talley, Coleman.....	125 00
1908.	Tarver, Ben. J., administrator, &c.....	600 00
1909.	Tomlin, Orpheus.....	150 00
1910.	Tolliver, Z.....	1,758 33
1911.	Underwood, Alfred A.....	125 00
1912.	Watkins, Moses.....	687 50
1913.	White, J. W.....	250 00
1914.	White, James.....	160 00
1915.	White, Duration.....	150 00
1916.	White, Jeremiah.....	150 00
1917.	White, James D.....	1,720 00
1918.	White, Newton J.....	400 00
1919.	Watkins, John M.....	200 00
1920.	Wood, John.....	1,447 00
1921.	Walton, R. J.....	420 00
1922.	Young, David.....	475 00
1923.	Young, David, administrator.....	200 00
1924.	Badgett, Richard S.....	180 00
1925.	Bell, Joseph G.....	300 00

No.	Names of claimants.	Amount.
1926.	Bell, John E	\$424 00
1927.	Barry, John A	1,233 00
1928.	Burton, G. M.....	100 00
1929.	Brown, J. M	792 50
1930.	Burton, J. L	150 00
1931.	Tarver, John B.....	750 00
1932.	Radcan, Joseph.....	325 00
1933.	Willson, W. H	417 37½
1934.	Corder, Thomas S.....	351 00
1935.	Corder, John C.....	98 50
1936.	Howell, M. V	170 00
1937.	Davis, D. W.....	734 40
1938.	Largan, H. M.....	140 00
1939.	Prosser, J. A., (not specific.)	
1940.	Donnell, Thomas	150 00
1941.	Lutterell, N. L	589 00
1942.	Armstrong, W	80 00
1943.	Armstrong, John	65 00
1944.	Kimho, Sarah	150 00
1945.	Ashhook, Elizabeth	130 00
1946.	Ashbey, E. W.....	150 00
1947.	Snoddy, F. M	425 00
1948.	Phogan, John	465 00
1949.	Vantrees, F. M.....	1,075 00
1950.	Hudson, B. F.....	180 00
1951.	Nice, William George	150 00
1952.	Phogan, Nancy.....	150 00
1953.	Connor, Nate.....	150 00
1954.	Smith, Isam.....	435 00
1955.	Teller, B. F.....	155 00
1956.	Bateman, Elizabeth.....	110 00
1957.	McGee, J. P	450 00
1958.	Anderson, Dennis.....	125 00
1959.	Benson, William	510 00
1960.	Taylor, Catherine M	200 00
1961.	Caughran, O. A.....	200 00
1962.	Prices, W. O.....	252 00
1963.	Hunter, G. P.....	645 00
1964.	Turner, Elizabeth.....	1,350 00
1965.	McGee, Abel.....	420 00
1966.	McGee, Joshua	275 00
1967.	Wells, Mary B.....	7,573 90
1968.	Wells, N. J.....	522 25
1969.	Rout, James R.....	101 00
1970.	Russell, John H	143 00
1971.	McAdams, John	125 00
1972.	Posser, John D.....	350 00
1973.	Wallace, Hannah	725 00
1974.	Howell, Samuel J.....	170 00
1975.	Waller, Key.....	140 00
1976.	Looker, William.....	372 00
1977.	Davidson, H. L.....	530 00
1978.	Stewart, William	418 00
1979.	McLain, Mrs. Martha.....	150 00
1980.	Cunningham, Griffith	352 00
1981.	Moore, Michael	855 00
1982.	Teller, B. F	150 00
1983.	Gilbert, D. A.....	740 00
1984.	Waid, G. F.....	145 00
1985.	Healm, Joseph A	502 50
1986.	Dunning, D. B.....	515 00
1987.	Hastings, Mary A.....	150 00
1988.	Clark, Mary N.....	150 00
1989.	McCann, J. J.....	670 00
1990.	Meyers, P. W.....	230 00
1991.	Massey, Thomas.....	1,730 00
1992.	Wood, William	275 00
1993.	Duff, R. C.....	125 00
1994.	March, Benjamin	240 00



E.

QUARTERMASTER GENERAL'S OFFICE,
Washington, D. C., July 13, 1865.

SIR: Your letter of the 8th instant, stating that while Major General Rosecrans was in command of the army of the Cumberland he appointed a commission or board of claims to examine and audit claims of citizens against the government for property taken and used, and for which no proper vouchers were given, has been received.

You further state that Mr. Washington L. White, of Nashville, Tennessee, presented a claim for quartermasters' stores, and was awarded by the board the sum of \$237 50, as shown by the certificate enclosed in your letter, and that the claimant now asks payment in accordance with that award.

In reply you are respectfully informed that Congress has made no specific appropriation for the payment of the awards of the commission referred to by you, nor has it authorized their payment from any existing appropriation.

Disbursing officers of this department cannot pay for supplies taken for the army, except upon properly certified vouchers prepared agreeably to the regulations.

The act of July 4, 1864, chapter 240, provides that all claims of loyal citizens in States not in rebellion, for quartermasters' stores actually furnished to the army of the United States, may be submitted to the Quartermaster General, accompanied with such proof as each claimant can present of the facts in his case; and it shall be the duty of the Quartermaster General to cause such claim to be examined, and if convinced that it is just, and of the loyalty of the claimant, and that the stores have been actually received or taken for use of and used by said army, then to report each case to the Third Auditor of the Treasury with a recommendation for settlement.

If Mr. White will submit his claim under that act, and in accordance with the rules and regulations established to govern in the submission and examination of claims under said act, it will receive as early attention as the pressure of business in this office will admit, and will be acted upon in connection with the evidence produced before the commission and which is now on file.

A copy of the act of July 4, 1864, and of the rules and regulations above referred to, are herewith respectfully enclosed.

The certificate issued in Mr. White's favor by the recorder of the board, mentioned in your letter, is returned, in order that he may file it with his claim when submitted again.

I am, sir, very respectfully, your obedient servant,

M. C. MEIGS,
Brevet Major General and Quartermaster General.

Hon. HORACE MAYNARD, *Washington City.*

QUARTERMASTER GENERAL'S OFFICE, *March 1, 1867.*

Official:

BENJAMIN C. CARD,
Brevet Brig. General and Ass't Quartermaster.



CONSULS GENERAL, ETC.

3

Statement of moneys expended for salaries, blank books, &c.—Continued.

Name.	Place.	1863.	1864.	1865.	1866.
J. Wilson	Consul, Antwerp, Belgium				\$663 89
George M. Wias	Consul, Rotterdam, Netherlands	\$2,393 03	\$2,399 25	\$1,343 09	1,285 57
F. J. Klauer	Late consul, Amsterdam, Netherlands	1,009 52	529 50		
A. G. Barnwell	do do do do			141 80	
Thomas Becker	Late vice-consul, Amsterdam Netherlands		197 93	384 94	
Joseph E. Marx	Consul, Amsterdam, Netherlands		142 99	1,373 53	1,008 79
C. L. Bernays	Late consul, Elsinore, Denmark	609 99	94 77		919 79
H. C. Carey	do do do do	216 13	311 54		
George F. Hansen	Consul, Elsinore, Denmark		1,692 23	1,609 09	1,541 92
C. A. Less	Late consul, Stockholm, Sweden	1,180 49			
B. F. Telf	do do do do	281 89	988 81		
G. V. Telf	do do do do		825 63		396 27
J. F. M. Fppling	Late consul, Gottenberg, Sweden	1,972 22	523 96		
Johannes Ruhs	Vice-consul, Gottenberg, Sweden		49 61		
W. W. Thomas, Jr.	Consul, Gottenberg, Sweden		1,640 76	1,024 67	1,069 92
Olof E. Dreutzer	Consul, Bergen, Norway	1,843 74	1,580 25	1,580 24	919 79
Wm. H. Vasey	Consul, Aix la Chapelle, Prussia	1,280 94	2,491 53	2,314 73	2,476 25
Charles J. Sundell	Consul, Stettin, Prussia	1,311 99	1,271 79	1,033 67	1,001 06
R. P. Schillow	Late consul, Stettin, Prussia				127 76
T. Camrus	Consul, Vienna, Austria	1,727 30	1,520 44	1,210 40	1,405 35
K. Hildreth	Late consul, Trieste, Austria	2,463 54	2,409 89	2,163 61	
A. W. Thayer	Consul, Trieste, Austria			307 00	1,932 90
A. M. Mothershead	Late consul, Leipzig, Saxony	787 63	2,213 50	750 00	1,199 50
F. Plengal	Vice-consul, Leipzig, Saxony				399 67
T. Y. Dickenson	Consul, Leipzig, Saxony			78 90	1,323 96
F. Webster	Late consul, Munich, Bavaria	979 94	600 68	198 19	619 58
Henry Tommy	Consul, Munich, Bavaria				949 61
Ch. Lautenschlager	Late consul, Stuttgart, Wurtemberg			254 40	
W. F. Nast	do do do do	1,029 47	141 00	1,580 09	
E. Klaupecht	Consul, Stuttgart, Wurtemberg			92 75	750 00
W. W. Murphy	Consul general, Frankfurt, Germany	3,367 52	3,039 47	3,027 93	2,212 03
J. Wentworth	Consul, Frankfurt, Germany				631 45
J. K. Miller	Late consul, Hamburg, Germany				96
James H. Anderson	Consul, Hamburg, Germany	1,502 51	2,000 00	2,000 00	2,000 00
J. R. Miller	Late consul, Bremen, Germany	167 11			
C. Boernstein	Vice-consul, Bremen, Germany	746 19			
Henry Boernstein	Consul, Bremen, Germany	2,752 13	2,928 00	1,483 05	2,071 28
A. L. Wolf	Consul, Basle, Switzerland	1,537 69	1,483 50	3,000 00	1,500 00
W. F. Giles	Late consul, Geneva, Switzerland				81
O. M. Spencer	do do do do				119 90
C. H. Upton	Consul, Geneva, Switzerland		1,036 46	1,550 95	1,477 46
J. K. Fadlamb	Late consul, Zurich, Switzerland				1,920 38
Chas. A. Fuge	Consul, Zurich, Switzerland				967 30
F. Cosby	Late consul, Genoa, Sardinia	1,875 29	802 52		
D. H. Wheeler	Consul, Genoa, Sardinia	1,682 91	1,530 71	1,534 84	1,191 70
W. T. Rice	Consul, Spezia, Sardinia	1,000 00	1,212 76	93 44	1,480 47
A. J. Stephens	Late consul, Leghorn, Tuscany	1,096 76	2,183 33	1,563 23	682 49
A. J. Beuda	do do do do			49 33	
J. Stone	do do do do		310 17		
J. Hutchinson	Consul, Leghorn, Tuscany			647 48	1,330 92
A. Hammett	Late consul, Naples, Sicily	1,035 05	1,071 48		
F. S. Salvador	do do do do				113 40
Jay T. Howard	Consul, Naples, Sicily		693 16	696 35	963 21
F. W. Behn	Consul, Messina, Sicily	1,979 02	954 47	669 59	935 16
H. H. Barstow	Late consul, Palermo, Sicily	231 37			
Luigi Monti	Consul, Palermo, Sicily	1,715 42	1,279 29	635 40	1,279 66
J. B. Redfield	Consul, Otranto, Italy	1,878 96	1,561 14	409 03	1,080 85
A. J. De Zeyk	Consul, Taranto, Italy		1,453 44	6 75	
L. Uffaz	Consul, Ancona, Italy	1,572 92	2,496 63	178 77	
F. Cotton	Late consul, Venice, Italy				10 80
J. J. Springer	do do do do	130 43			
L. G. Mead, Jr.	Vice-consul, Venice, Italy				317 75
W. D. Howells	Consul, Venice, Italy	1,568 40	2,748 99	1,571 91	917 63
C. W. Goddard	Late consul general, Constantinople, Turkey	4,242 70	3,319 67	1,225 53	
A. Thompson	Vice-consul general, Constantinople, Turkey			359 51	353 26
J. H. Goodenow	Consul general, Constantinople, Turkey				3,217 89
J. J. Barclay	Consul, Cyprus, Turkey	765 98	1,430 37	1,078 61	
E. J. Smithers	Consul, Scio, Turkey	1,962 34	1,790 08	1,704 13	
W. J. Hillman	Consul, Canoa, Crete				3,913 01
C. J. Alexis	Late consul, Canoa, Crete				204 88
F. Weppermann	Late consul, Galatz, Moldavia			3 50	689 36
O. Malinross	Consul, Galatz, Moldavia				978 16
G. G. Baker	Late consul, Athens, Greece	769 57			
H. M. Canfield	Consul, Athens, Greece		976 13	598 46	1,968 96
San Agny	Vice-consul, Athens, Greece	423 06		157 26	

Statement of moneys expended for salaries, blank books, office rent, and preservation of archives from July 1, 1862, to June 30, 1866, for European consulates.

Name.	Place.	1863.	1864.	1865.	1866.
<i>Salaries of United States consuls, commercial agents, &c.</i>					
Freeman H. Morse	Consul, London, England	\$7,661 30		\$9,375 00	\$7,625 00
A. Rhodes	Late consul, Liverpool, England				462 64
T. H. Dudley	Consul, Liverpool, England	5,625 00	7,500 00	9,375 00	5,625 00
J. W. Marshall	Late consul, Leeds, England	1,383 39	1,985 72	1,864 91	602 04
W. L. Raymond	Consul, Leeds, England			449 25	1,622 95
D. Macauley	Late consul, Manchester, England				11 25
Henry W. Lord	Consul, Manchester, England	1,192 75	2,000 00	2,214 25	3,000 00
W. Thompson	Late consul, Southampton, England	366 39			
John Britton	Consul, Southampton, England	2,196 57	2,826 61	2,000 00	1,930 00
Z. Eastman	Consul, Bristol, England	726 65	2,228 09	1,503 91	1,161 97
J. H. McChesney	Consul, Newcastle, England	1,416 12	1,486 77	1,506 70	725 75
C. D. Cleveland	Late consul, Cardiff, Wales	1,595 29	1,134 78	1 49	
C. E. Burch	Consul, Cardiff, Wales		97 67	1,125 00	
J. S. Prettyman	Late consul, Glasgow, Scotland	1,711 94			
W. Cook	do do do			708 36	
W. L. Underwood	do do do	1,005 18	2,250 00	929 05	
J. M. Bailey	Consul, Glasgow, Scotland				2,431 50
James Smith	Consul, Dundee, Scotland	1,503 43	1,934 84	2,500 00	2,000 00
John Young	Consul, Belfast, Ireland	1,000 00	3,000 00	2,000 00	2,000 00
T. Frean	Late consul, Belfast, Ireland				141 30
P. J. Devine	Late consul, Cork, Ireland	2,272 46	72 98		
E. G. Eastman	Consul, Cork, Ireland	247 79	1,980 63	2,571 80	2,134 12
Win. Winthrop	Consul, Malta, (Island)	1,898 88	1,602 80		1,142 43
H. J. Sprague	Consul, Gibraltar, Spain			820 06	1,716 38
John Bigelow	Late consul, Paris, France	3,768 91	5,000 00	5,250 00	
J. Hand	do do do				95 44
W. Hein	do do do				136 09
E. Tuck	Vice-consul, Paris, France			1,000 00	1,413 04
J. B. Bond	Acting consul, Paris, France				
J. G. Nicolay	Consul, Paris, France				4,585 04
J. O. Putnam	Consul, Havre, France	5,666 78	6,653 25	6,042 14	4,772 29
G. G. Fleuret	Late consul, Bordeaux, France	652 54			178 91
C. Davison	Consul, Bordeaux, France	1,195 15	2,500 00	2,500 00	2,000 00
G. W. Van Horne	Consul, Marseilles, France	2,493 26	2,535 26	2,444 95	2,780 47
Thaddens Hyatt	Late consul, La Rochelle, France	1,153 65	1,883 71	2,000 04	121 71
Thomas P. Smith	Consul, La Rochelle, France				
Do	Consul, Napoleon Vendee, France	1,450 60	1,557 00		1,524 91
Lewis W. Viollier	Consular clerk, Lyons, France				1,603 26
James Lesley	Consul, Lyons, France	764 13	2,250 00	1,735 00	783 21
Do	Late consul, Nice, France	443 98			
W. Slade	do do do	1,484 21	1,551 76	1,546 96	628 12
A. O. Aldis	Consul, Nice, France				357 48
J. Curtin	Secretary of Legation, St. Petersburg, Russia				377 00
W. L. Winans	Late consul, St. Petersburg, Russia				6 20
G. Ponnitz	do do do				150 56
John D. Arnold	do do do	1,200 52			
P. McD. Collins	Vice-consul, St. Petersburg, Russia	628 41			
J. P. Hatterscheidt	Consul, Moscow, Russia	1,766 94	2,783 04	2,838 35	1,633 82
W. E. Phelps	Consul, St. Petersburg, Russia	764 54	1,625 62	3,063 76	620 72
T. C. Smith	Consul, Odessa, Russia	1,870 56	2,795 01	2,265 06	2,265 33
H. B. Stacey	Consul, Revel, Russia	1,944 88	2,616 13	3,004 87	1,683 15
John de la Montagnie	Consul, Nantes, France	1,843 08	1,577 35	1,156 73	1,504 73
E. S. Eggleston	Late consul, Cadiz, Spain	1,573 52	1,093 16	1,492 52	130 28
R. H. Farrell	Consul, Cadiz, Spain				737 60
J. A. Little	Late vice consul, Cadiz, Spain				
A. J. Bensauan	Vice-consul, Cadiz, Spain				819 61
C. T. Smith	Late consul, Malaga, Spain	178 08			
J. S. Smith	do do do	70 12			
A. M. Hancock	Consul, Malaga, Spain	2,168 90	1,573 81		615 22
John R. Geary	Vice-consul, Malaga, Spain			1,572 33	730 43
J. A. Little	Consul, Barcelona, Spain	1,899 07	1,601 77	1,607 29	1,153 18
H. B. Robinson	Consul, Port Mahon, (Minorca)	1,649 53	1,499 50		1,535 12
George Kent	Consul, Valencia, Spain	1,929 57	1,560 32	1,568 62	1,085 57
Daniel Evans	Consul, Bilbao, Spain	1,804 24	1,627 62	1,614 67	1,132 28
R. C. Hannah	Consul, Santander, Spain	1,764 10	1,615 65	1,614 83	854 67
W. C. Foster	Late consul, Carthagena, Spain	743 82			
Albert Mathlew	do do do	34 34			
Charles A. Munro	Consul, Lisbon, Portugal	2,069 18	1,669 59	2,342 21	1,137 73
T. K. King	Late consul, Oporto, Portugal	375 00			
J. T. Porteous	do do do		325 07		
H. W. Diman	Consul, Oporto, Portugal	874 79	2,154 84	2,213 74	1,562 25
A. W. Crawford	Late consul, Antwerp, Belgium	1,252 89	2,022 20	2,401 20	1,945 89
B. M. Wilson	do do do				224 11

CONSULS GENERAL, ETC.

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Statement of moneys expended for salaries, blank books, &c.—Continued.

Name.	Place.	1861.	1864.	1865.	1866.
J. Wilson	Consul, Antwerp, Belgium				\$663 99
George M. Wise	Consul, Rotterdam, Netherlands	\$2,393 03	\$2,329 25	\$1,342 09	1,285 57
F. J. Klauser	Late consul, Amsterdam, Netherlands	1,080 32	320 50		
A. G. Barnwell	do do do			141 80	
Thomas Bricker	Late vice-consul, Amsterdam Netherlands		197 93	324 94	
Joseph E. Marx	Consul, Amsterdam, Netherlands		142 99	1,373 53	1,008 79
C. L. Bernays	Late consul, Elsinore, Denmark	609 99	24 77		
H. C. Carey	do do do	216 13	311 54		
George P. Hansen	Consul, Elsinore, Denmark		1,092 23	1,002 09	1,541 92
C. A. Lema	Late consul, Stockholm, Sweden	1,180 49			
B. F. Traft	do do do	241 80	988 81		
G. V. Traft	do do do		825 63		396 27
J. P. M. Pipping	Late consul, Gottenberg, Sweden	1,972 22	523 90		
Johannes Rohs	Vice-consul, Gottenberg, Sweden		49 61		
W. W. Thomas, Jr.	Consul, Gottenberg, Sweden		1,540 76	1,624 67	1,069 92
Olof E. Dreutzer	Consul, Bergen, Norway	1,243 74	1,529 85	1,500 36	419 79
Wm. H. Vesey	Consul, Aix-la-Chapelle, Prussia	1,260 94	2,421 53	2,324 73	2,476 25
Charles J. Sandell	Consul, Saetin, Prussia	1,311 99	1,371 79	1,032 67	1,001 08
R. F. Schillow	Late consul, Saetin, Prussia				197 76
T. Canisius	Consul, Vienna, Austria	1,727 30	1,580 44	1,210 60	1,405 35
R. Hildroth	Late consul, Trieste, Austria	2,462 54	2,809 88	2,163 61	
A. W. Thayer	Consul, Trieste, Austria			507 00	1,922 90
A. M. Motherhead	Late consul, Leipzig, Saxony	787 63	2,212 50	750 00	1,199 50
F. Fleugai	Vice-consul, Leipzig, Saxony				399 67
T. Y. Dickenson	Consul, Lipae, Saxony			78 90	1,222 98
F. Webster	Late consul, Munich, Bavaria	979 94	640 68	196 19	619 58
Ch. Lautenschlager	Consul, Munich, Bavaria				949 81
W. F. Naat	Late consul, Stuttgart, Wurtemberg			254 40	
E. Klaproth	do do do	1,029 47	141 00	1,581 09	
W. W. Murphy	Consul, Stuttgart, Wurtemberg			92 75	750 00
J. Wentworth	Consul general, Frankfurt, Germany	3,367 32	3,039 47	3,027 93	2,212 03
J. K. Miller	Consul, Frankfurt, Germany				631 45
James H. Anderson	Late consul, Hamburg, Germany	1,502 51	2,000 00	2,000 00	2,000 00
J. R. Diller	Consul, Hamburg, Germany	167 11			
C. Boerstein	Late consul, Bremen, Germany	746 13			
Henry Boerstein	Vice-consul, Bremen, Germany	2,752 12	2,268 09	1,483 05	2,671 28
A. L. Wolff	Consul, Bremen, Germany	1,537 69	1,483 50	3,000 00	1,500 00
W. F. Giles	Consul, Basle, Switzerland				81
O. M. Spencer	Late consul, Geneva, Switzerland				119 90
C. H. Upton	do do do		1,034 46	1,559 95	1,477 46
J. H. Fairbank	Consul, Geneva, Switzerland				1,920 38
Chas. A. Page	Late consul, Zurich, Switzerland				997 30
F. Cosby	Consul, Zurich, Switzerland	1,673 29	992 52		
D. H. Wheeler	Late consul, Genoa, Sardinia	1,692 31	1,550 71	1,534 84	1,191 70
W. T. Rice	Consul, Genoa, Sardinia	1,000 00	1,212 76	92 44	1,480 47
A. J. Stephens	Consul, Spezia, Sardinia	1,096 76	2,183 33	1,583 29	682 49
A. J. Beaulieu	Late consul, Leghorn, Tuscany			49 33	
J. Stone	do do do		210 17		
J. Hutchinson	do do do			647 46	1,330 92
A. Hammett	Consul, Leghorn, Tuscany	1,035 05	1,071 48		
F. S. Salvador	Late consul, Naples, Sicily				113 40
Jay T. Howard	do do do				263 21
F. W. Behn	Consul, Naples, Sicily	1,979 02	954 47	699 59	935 16
H. H. Barstow	Consul, Messina, Sicily	231 27			
Luigi Monti	Late consul, Palermo, Sicily	1,715 42	1,279 29	635 40	1,279 66
J. S. Redfield	Consul, Palermo, Sicily	1,878 96	1,561 14	409 03	1,620 85
A. J. De Zeyk	Consul, Otranto, Italy		1,463 44	6 75	
L. Ubbay	Consul, Tarnato, Italy	1,572 92	2,426 63	173 77	
F. Cotton	Late consul, Ancona, Italy				10 90
J. J. Springer	Consul, Venice, Italy	130 43			
L. G. Mead, Jr.	do do do				317 75
W. D. Howells	Vice-consul, Venice, Italy	1,268 40	2,748 99	1,571 91	617 63
C. W. Goldard	Consul, Venice, Italy				
A. Thompson	Late consul general, Constantinople, Turkey	4,942 70	3,319 67	1,225 53	
J. H. Goodnow	Vice-consul general, Constantinople, Turkey			350 51	355 25
J. J. Barclay	Consul general, Constantinople, Turkey				3,217 30
E. J. Smithers	Consul, Cyprus, Turkey	785 98	1,430 37	1,078 61	
W. J. Stillman	Consul, Scio, Turkey	1,962 34	1,731 08	1,704 13	
C. J. Alexis	Consul, Cambr, Crete				3,913 01
F. Weppermann	Late consul, Canoa, Crete				394 22
O. Mainwaring	Consul, Galatz, Moldavia			3 50	688 30
G. O. Baker	Late consul, Galatz, Moldavia	769 57			978 10
H. M. Canfield	Consul, Athens, Greece		976 13	562 46	1,068 92
Thos. Agaby	Vice-consul, Athens, Greece	423 06		137 28	

Statement of moneys expended for salaries, blank books, &c.—Continued.

Name.	Place.	1863.	1864.	1865.	1866.
G. Constantine	Consul, Piræus, Greece				\$272 16
G. W. Palmer	Consul, Candia	\$1,360 73			
J. H. Baxter	do		\$123 62	\$156 59	
<i>Blank books, stationery, &c., for consuls of the United States.</i>					
Freeman H. Morse	Consul, London, England	475 66	455 31	2,171 82	2,613 12
T. H. Dudley	Consul, Liverpool, England	1,712 44	3,828 08	4,377 98	2,682 00
J. W. Marshall	Late consul, Leeds, England		232 13	136 08	
W. L. Raymond	Consul, Leeds, England			24 67	207 00
H. W. Lord	Consul, Manchester, England	230 11	75 84	2,405 72	1,776 39
J. Britton	Consul, Southampton, England	96 79		155 14	103 99
Z. Eastman	Consul, Bristol, England	169 38	71 79	85 95	111 14
Geo. J. Abbott	Consul, Sheffield, England			403 76	682 95
J. H. McChesney	Consul, Newcastle, England	137 28	193 18	206 62	101 00
C. D. Cleveland	Late consul, Cardiff, Wales	75 33	120 65		
C. E. Burch	Consul, Cardiff, Wales			3 48	
J. S. Prettyman	Late consul, Glasgow, Scotland	38 30			
W. L. Underwood	do	17 74	52 16	537 59	
Wm. Cook	do			51 17	
J. M. Bailey	Consul, Glasgow, Scotland			82 94	44 79
James Smith	Consul, Dundee, Scotland			441 79	429 22
H. B. Hammond	Consul, Dublin, Ireland	26 19	53 10		
J. Young	Consul, Belfast, Ireland	59 59	54 70	473 98	475 66
A. Henderson	Consul, Londonderry, Ireland		28 61		
A. L. Hanaberg	Late consul, Leith, Scotland		22 10	49 40	
Neal McLaughlin	Consul, Leith, Scotland		666 52	234 77	944 32
E. G. Eastman	Consul, Cork, Ireland		59 93	99 30	110 52
W. Winthrop	Consul, Malta	102 19	116 15	144 29	63 87
H. J. Sprague	Consul, Gibraltar, Spain	650 31	617 04	72 99	82 11
John Bigelow	Late consul, Paris, France	102 69	2,154 65	2,796 71	
E. Tuck	Vice-consul, Paris, France			626 94	629 29
J. G. Nicolay	Consul, Paris, France				1,404 67
J. O. Putnam	Consul, Havre, France	131 87	225 13	199 99	152 77
G. G. Fleuret	Late consul, Bordeaux, France	114 53			
C. Davison	Consul, Bordeaux, France	15 00	201 79	420 50	196 19
G. W. Van Horne	Consul, Marseilles, France	115 00	127 14	201 97	265 56
L. W. Viollier	Clerk to consul, Lyons, France				230 54
James Lesley	Consul, Lyons, France	93 06	583 64	150 95	173 14
T. Hyatt	Late consul, La Rochelle, France			42 74	13 02
Thomas P. Smith	Consul, La Rochelle, France		87 74	21 22	93 25
T. W. Roundtree	Late consul, La Rochelle, France	89 30			
James Lesley, jr.	Late consul, Nice, France	48 49			
W. Slade	do	76 18	30 60	20 03	19 35
A. O. Aldis	Consul, Nice, France				13 93
J. De la Montagnie	Consul, Nantes, France	23 43	78 16	225 43	141 43
John D. Arnold	Late consul, St. Petersburg, Russia	7 68			
W. E. Phelps	Consul, St. Petersburg, Russia		93 58	152 25	14 36
T. C. Smith	Consul, Odessa, Russia	54 80	186 54	67 55	65 13
H. B. Stacey	Consul, Revel, Russia	38 76	46 15	116 02	
E. S. Eggleston	Late consul, Cadiz, Spain	117 70	248 12	74 53	70 02
T. T. Tunstall	Consul, Cadiz, Spain	17 28			
A. J. Bensusan	Vice-consul, Cadiz, Spain				42 22
A. M. Hancock	Consul, Malaga, Spain	367 66	263 70		216 22
J. R. Geary	Vice-consul Malaga, Spain		44 24	187 21	64 63
Daniel Evans	Consul, Bilbao, Spain	29 92	39 26	27 79	65 62
W. C. Foster	Consul, Carthagena, Spain	108 84	93 65		
R. C. Hannah	Consul, Santander, Spain	59 82	78 91	39 61	31 39
George Kent	Consul, Valencia, Spain	54 09	48 32	15 21	22 63
J. A. Little	Consul, Barcelona, Spain	278 67	99 13		164 53
S. Ladico	Late consul, Port Mahon, Spain	9 09			
H. R. Robinson	Consul, Port Mahon, Spain	15 07			
H. W. Diman	Consul, Oporto, Portugal	83 73	203 53	143 43	61 42
T. K. King	Late consul, Oporto, Portugal	92 43			
Charles A. Munro	Consul, Lisbon, Portugal	136 16	273 36	157 88	157 28
A. W. Crawford	Consul, Antwerp, Belgium				
T. J. Klauser	Late consul, Amsterdam, Netherlands	45 12	15 64	167 66	35 45
J. E. Marx	Consul, Amsterdam, Netherlands		51 15		
Geo. E. Wiss	Consul, Rotterdam, Netherlands	201 48	123 26	70 64	35 39
C. L. Bernays	Late consul, Elsinore, Denmark	119 80			29 65
H. C. Carey	do	47 77	10 92		
G. P. Hansen	Consul, Elsinore, Denmark	4 00	49 07	58 21	60 22
C. A. Leas	Late consul, Stockholm, Sweden	215 71	242 76	45 64	122 34
B. F. Tefft	do	15 42			
G. V. Tefft	do		18 98	72 21	71 02
A. W. Fristadeus	Consul, Stockholm, Sweden				27 64
J. P. M. Epping	Late consul, Gottenberg, Sweden	281 03	74 75		
J. Robs	do	34 91			

Statement of moneys expended for salaries, blank books, &c.—Continued.

Name.	Place.	1863.	1864.	1865.	1866.
W. W. Thomas, jr.	Consul, Gottenberg, Sweden.		\$291 74	\$183 64	\$156 75
O. E. Dreutzer	Consul, Bergen, Norway.	\$136 73	122 17	129 03	38 14
W. H. Vesey	Consul, Aix-la-Chapelle, Prussia.	140 78	85 89	201 12	
C. J. Sundell	Consul, Stettin, Prussia.	23 67	37 06	93 21	80 94
T. Canisius	Consul, Vienna, Austria.	216 73	405 07	466 73	806 08
R. Hildreth	Late consul, Trieste, Austria.	256 02	344 33	434 92	12 38
A. W. Thayer	Consul, Trieste, Austria.				34 86
W. S. Campbell	Consul, Dresden, Saxony.	130 00	128 85		
A. M. Mothershead	Late consul, Leipzig, Saxony.	35 85	110 60	11 52	173 85
F. Flaugal	do do do				21 94
T. Y. Dickenson	Consul, Leipzig, Saxony.				143 17
Ch. Obermayer	Consul, Augsburg, Bavaria.	22 86			
C. O. Wheeler	Consul, Nuremberg, Bavaria.		51 10	62 04	
F. Webster	Late consul, Munich, Bavaria.	21 09	36 63	16 91	63 18
H. Toomy	Consul, Munich, Bavaria.				69 87
W. F. Naat	Late consul, Stuttgart, Wurtemberg.	126 70	29 21	194 23	
Ch. Lautenschlager	do do do				92 80
E. Klausprecht	Consul, Stuttgart, Wurtemberg.				193 79
W. W. Murphy	Consul general, Frankfurt, Germany.	910 56	1,030 49	1,008 92	999 86
J. H. Anderson	Consul, Hamburg, Germany.	337 95	425 78	1,843 41	935 00
Ch. Boernstein	Vice-consul, Bremen, Germany.	288 24			
J. R. Diller	Late consul, Bremen, Germany.	53 64			
H. Boernstein	Consul, Bremen, Germany.	289 31	440 93	1,003 98	717 83
L. Lüdner	Late consul, Sonneberg, Germany.	132 34	422 26	366 58	17 60
S. Hirschback	Consul, Sonneberg, Germany.				240 35
A. L. Wolff	Consul, Basle, Switzerland.	78 68	66 03	237 80	927 08
C. H. Upton	Consul, Geneva, Switzerland.		62 09	106 19	160 15
J. R. Fairbank	Late consul, Zurich, Switzerland.	50 75		1,104 36	552 59
F. Hilgard	do do do	11 11			
C. A. Page	Consul, Zurich, Switzerland.				706 36
F. Cosby	Late consul, Genoa, Sardinia.		59 84		
D. H. Wheeler	Consul, Genoa, Sardinia.	32 48	167 59	172 06	424 40
W. T. Rice	Consul, Spezia, Sardinia.	57 60	50 25	41 43	70 01
J. A. Binda	Late consul, Leghorn, Tuscany.			169 02	
A. J. Stevens	do do do	390 44	226 94	268 70	400 21
J. Hutchinson	Consul, Leghorn, Tuscany.				133 95
A. Hammett	Late consul, Naples, Sicily.	20 60	22 25		
J. T. Howard	Consul, Naples, Sicily.		38 32	25 17	178 01
J. H. Armsby	Late consul, Naples, Sicily.	53 81			
F. W. Behn	Consul, Messina, Sicily.	260 65	108 10	64 90	148 70
Luigi Monti	Consul, Palermo, Sicily.	126 80	103 42		173 17
J. S. Redfield	Consul, Brindisi, Italy.	50 44	29 23	40 65	
A. J. De Zeyk	Consul, Taranto, Italy.		143 00		
L. Ubbay	Consul, Ancona, Italy.	170 00	29 46	19 16	
E. J. Mallette	Consul, Florence, Italy.	115 95			
T. B. Lawrence	Consul general, Florence, Italy.	103 90	83 39	805 70	284 21
W. D. Howells	Consul, Florence, Italy.	39 10	33 06	81 27	32 39
C. W. Goddard	Late consul general, Constantinople, Turkey.	966 64	379 62	116 15	
A. Thompson	Vice-consul general, Constantinople, Turkey.			183 22	49 80
J. H. Goodenow	Consul general, Constantinople, Turkey.				208 61
J. J. Barclay	Consul, Cyprus, Turkey.	56 00	71 43	26 62	21 10
E. J. Smithers	Consul, Scio, Turkey.	149 50			59 50
F. Wipperfurth	Late consul, Galatz, Moldavia.		95 77	60 34	
O. Malmros	Consul, Galatz, Moldavia.				130 06
Geo. G. Baker	Consul, Athens, Greece.	30 66			
W. J. Stillman	Consul, Canara, Crote.	88 47		139 75	
George W. Palmer	Consul, Candia.	83 38			
<i>Office rent of consuls, &c., who are not allowed to trade.</i>					
P. H. Morse	Consul, London, England.	1,197 94	375 00	937 50	937 50
T. H. Dudley	Consul, Liverpool, England.	738 04	907 50	907 50	544 50
J. W. Marshall	Late consul, Leeds, England.	147 31	927 48	122 11	51 08
W. L. Raymond	Consul, Leeds, England.			103 95	99 73
H. W. Lord	Consul, Manchester, England.	210 17	50 00	350 00	200 00
J. Britton	Consul, Southampton, England.	193 00	280 98	193 60	193 60
Z. Eastman	Consul, Bristol, England.	139 27	150 00	76 50	150 00
J. H. McChesney	Consul, Newcastle, England.	127 03	174 50	106 07	150 00
C. D. Cleveland	Late consul, Cardiff, Wales.	173 96	137 50		
C. E. Barch	Consul, Cardiff, Wales.			30 25	
J. S. Frettyman	Late consul, Glasgow, Scotland.	210 00			
W. L. Underwood	do do do	70 00	75 00	200 00	
Wm. Cook	do do do			75 00	
J. M. Bailey	Consul, Glasgow, Scotland.				286 98

Statement of moneys expended for salaries, blank books, &c.—Continued.

Name.	Place.	1863.	1864.	1865.	1866.
James Smith	Consul, Dundee, Scotland	\$100 00			\$145 20
J. B. Holderby	Late consul, Dundee, Scotland	590 00			
E. G. Eastman	Consul, Cork, Ireland		\$271 15	\$151 02	203 57
J. Young	Consul, Belfast, Ireland	249 20	34 02	229 54	142 13
W. Winthrop	Consul, Malta, (Island)	212 65	150 00	150 00	75 00
H. J. Sprague	Consul, Gibraltar, Spain			180 00	
John Bigelow	Consul, Paris, France	427 30	477 56	527 51	
E. Tuck	Vice-consul, Paris, France			120 63	120 83
J. G. Nicolay	Consul, Paris, France				381 49
J. O. Putnam	Consul, Havre, France	303 69	289 65	291 64	291 64
G. G. Fleuret	Late consul, Marseilles, France	57 82			
G. W. Van Horne	Consul, Marseilles, France	211 00	173 82	257 34	446 64
C. Davison	Consul, Bordeaux, France			624 00	200 00
L. W. Viollier	Consular clerk, Lyons, France			51 82	
James Lesley	Consul, Lyons, France	246 10	150 00	80 12	90 13
T. Hyatt	Late consul, La Rochelle, France		253 88	156 25	
T. W. Rountree	do do do	126 00	150 00	167 50	
O. M. Spencer	do do do			175 15	
T. P. Smith	Consul, La Rochelle, France		258 30	112 50	155 28
A. O. Aldis	Consul, Nice, France			45 78	
W. Slade	Late consul, Nice, France	162 30	156 55	133 85	137 00
Jno. De la Montagnie	Consul, Nantes, France	128 83	145 45	157 13	114 42
J. D. Arnold	Late consul, St. Petersburg, Russia	170 10			
P. McD. Collins	do do do	43 12			
W. E. Phelps	Consul, St. Petersburg, Russia		171 00	129 99	218 08
T. C. Smith	Consul, Odessa, Russia	243 14	267 80	239 88	222 26
H. B. Stacey	Consul, Revel, Russia	170 91	372 51	196 90	52 56
E. S. Eggleston	Late consul, Cadiz, Spain	181 10	221 50		
A. J. Bensusan	Vice-consul, Cadiz, Spain			81 52	
A. M. Hancock	Consul, Malaga, Spain	207 94	80 64	127 51	
J. R. Geary	do do do		80 64		201 90
Daniel Evans	Consul, Bilbao, Spain	91 29	139 23	164 96	125 52
R. C. Hannah	Consul, Santander, Spain	115 56	144 88	120 73	205 50
George Kent	Consul, Valencia, Spain	108 70	190 26	76 57	191 54
J. A. Little	Consul, Barcelona, Spain	214 57	175 83	243 04	162 76
H. W. Diman	Consul, Oporto, Portugal	34 06	227 31	181 02	110 91
T. K. King	Late consul, Oporto, Portugal	69 24			
J. A. De Silva	do do do	35 97			
C. A. Munro	Consul, Lisbon, Portugal	62 29	175 82	213 60	207 98
A. W. Crawford	Consul, Antwerp, Belgium	290 31	287 50	287 00	343 75
T. J. Klausner	Late consul, Amsterdam, Netherlands	25 00	100 00		
J. E. Marx	Consul, Amsterdam, Netherlands			50 00	125 00
George E. Wiss	Consul, Rotterdam, Netherlands	204 62	344 92	269 93	150 00
Thomas Bricker	Vice-consul, Amsterdam, Netherlands	75 00			25 00
George P. Hansen	Consul, Elsinore, Denmark		136 51	119 25	160 50
C. L. Bernays	Late consul, Elsinore, Denmark	131 27			
H. C. Carey	Consul, Elsinore, Denmark	49 12	57 00		
C. A. Leas	Late consul, Stockholm, Sweden	93 75	150 00	78 61	
B. F. Tefft	do do do	28 02	82 78		
G. V. Tefft	do do do		124 83	75 00	116 20
J. P. M. Epping	Late consul, Gottenburg, Sweden	189 86			
W. W. Thomas, Jr.	Consul, Gottenburg, Sweden		163 72	217 97	168 68
O. E. Dreutzer	Consul, Bergen, Norway	125 73	170 99	179 46	153 30
W. H. Vasey	Consul, Aix-la-Chapelle, Prussia	204 72	90 00	135 00	180 00
T. Canisius	Consul, Vienna, Austria	132 50	125 25	192 00	181 91
R. Hildreth	Late consul, Trieste, Austria	200 00	200 00	50 00	225 00
A. W. Thayer	Consul, Trieste, Austria			80 89	40 62
A. M. Mothershead	Late consul, Leipzig, Saxony	171 75	187 50	75 00	119 50
F. Flengul	do do do				37 20
T. Y. Dickenson	Consul, Leipzig, Saxony				112 50
F. Webster	Late consul, Munich, Bavaria	135 18	77 54	50 00	83 33
H. Toomy	Consul, Munich, Bavaria				66 86
W. F. Nast	Late consul, Stuttgart, Wurtemberg	110 18	50 67	25 00	75 00
C. Lautenschlager	do do do				75 90
E. Klauprecht	Consul, Stuttgart, Wurtemberg				77 74
W. W. Murphy	Consul-general, Frankfort, Germany	321 03	308 92	304 52	298 51
J. H. Anderson	Consul, Hamburg, Germany	168 50	100 00	150 00	150 00
Oh. Boernstein	Vice-consul, Bremen, Germany	168 29			
J. R. Diller	Late consul, Bremen, Germany	97 31			
H. Boernstein	Consul, Bremen, Germany	213 28	241 45	450 00	300 00
A. L. Wolff	Consul, Basle, Switzerland	253 11	53 76	80 00	400 00
C. H. Upton	Consul, Geneva, Switzerland		39 78	118 92	157 83
J. R. Fairlamb	Late consul, Zurich, Switzerland				78 18
C. A. Page	Consul, Zurich, Switzerland				82 20
F. Cosby	Late consul, Genoa, Sardinia	181 44	70 15	51 28	
D. H. Wheeler	Consul, Genoa, Sardinia	201 30	157 88	174 01	151 64

Statement of moneys expended for salaries, blank books, &c.—Continued.

Name.	Place.	1863.	1864.	1865.	1866.
W. T. Rice.....	Consul, Spezzia, Sardinia.....	\$62 50			
J. A. Binda.....	Late consul, Leghorn, Tuscany.....			\$171 00	
J. Hutchinson.....	do.....do.....do.....			75 00	
A. J. Stevens.....	do.....do.....do.....	117 71			\$112 50
J. H. Armsby.....	Late consul, Naples, Sicily.....	37 50			
A. Hammett.....	do.....do.....do.....	101 90	\$69 92		
J. T. Howard.....	Consul, Naples, Sicily.....		44 54	187 50	
L. Monti.....	Consul, Palermo, Sicily.....	182 61	159 37	191 25	150 00
A. J. De Zeyk.....	Consul, Taranto, Italy.....	216 61	181 48		
J. S. Redfield.....	Consul, Brindisi, Italy.....	162 50	150 00	150 00	150 00
L. Ujhazy.....	Consul, Ancona, Italy.....	184 60	171 51	60 73	
E. J. Mallette.....	Consul, Florence, Italy.....	16 30			
T. B. Lawrence.....	Consul-general, Florence, Italy.....		85 11	131 95	68 56
W. D. Howells.....	Consul, Florence, Italy.....	102 11	216 21	185 30	150 86
C. W. Goddard.....	Late consul-general, Constantinople, Turkey.....	358 55	261 00	79 50	
A. Thompson.....	Vice-consul general, Constantinople, Turkey.....		87 00	58 00	261 00
J. H. Goodenow.....	Consul-general, Constantinople, Turkey.....			203 00	
J. P. Hatterscheidt.....	Consul, Moscow, Russia.....	372 97	172 50	168 54	387 24
E. J. Smithers.....	Consul, Scio, Turkey.....	125 13	143 66	144 13	170 96
F. Wipperman.....	Consul, Galatz, Moldavia.....		88 24	36 88	213 96
O. Malmross.....	do.....do.....			23 31	
F. W. Behn.....	Consul, Messina, Sicily.....	260 35	160 32	41 66	150 00
W. J. Stillman.....	Consul, Canea, Crete.....			33 75	
G. W. Palmer.....	Consul, Candia.....	60 00			
<i>Preservation of the archives of consulates of the United States.</i>					
G. G. Fleurot.....	Consul, Marseilles, France.....	37 45			
J. P. M. Epping.....	Consul, Gottenburg.....		105 92		
C. W. Goddard.....	Consul-general, Constantinople.....		479 07		
C. A. Leas.....	Consul, Stockholm.....		132 50		
J. H. McChesney.....	Consul, Newcastle.....		35 95		
C. J. Sundell.....	Consul, Stettin.....		72 00		

S. B. COLBY, *Register.*TREASURY DEPARTMENT, *Register's Office, February 27, 1867.**Statement of moneys received from consuls general, consuls, and commercial agents in Europe on account of fees from 1st of July, 1862, to 30th June, 1866.*

Name.	Place.	1863.	1864.	1865.	1866.
Freeman H. Morse....	Consul at London, England.....	\$6,342 97	\$2,354 12	\$25,435 00	\$12,303 99
T. H. Dudley.....	Consul at Liverpool, England.....	10,388 85	17,550 36	27,743 30	16,226 23
J. W. Marshall.....	Late consul at Leeds, England.....	1,213 36	2,467 34	1,904 89	
W. L. Raymond.....	Consul at Leeds, England.....			449 25	1,489 80
Henry W. Lord.....	Consul at Manchester, England.....	1,135 59	2,125 84	2,155 76	12,680 09
John Britton.....	Consul at Southampton, England.....	160 80		96 00	206 57
Zebina Eastman.....	Consul at Bristol, England.....	471 03	1,269 11	501 49	578 40
Joseph H. McChesney.....	Consul at Newcastle, England.....	786 70	1,103 10	1,073 66	457 50
C. D. Cleveland.....	Late consul at Cardiff, Wales.....	2,040 37	1,810 40		
C. E. Burch.....	Consul at Cardiff, Wales.....			1,158 73	303 28
J. S. Prettyman.....	Late consul at Glasgow, Scotland.....	1,340 29			
W. L. Underwood.....	do.....do.....	872 27	2,337 16	3,837 59	
J. M. Bailey.....	Consul at Glasgow, Scotland.....			157 94	
James Smith.....	Consul at Dundee, Scotland.....	1,286 00	1,934 84	2,713 08	2,574 42
John Young.....	Consul at Belfast, Ireland.....	1,060 43	3,088 72	2,703 52	2,617 79
E. G. Eastman.....	Consul at Cork, Ireland.....		570 47	543 45	426 35
Wm. Winthrop.....	Consul at Malta, (Island).....	185 49	107 17	363 84	231 19
H. J. Sprague.....	Consul at Gibraltar, (Spain).....				647 59
John Bigelow.....	Late consul at Paris, France.....	3,654 75	7,632 15	9,452 11	
E. Tuck.....	Vice-consul at Paris, France.....			1,807 57	2,153 96
J. B. Bond.....	Acting consul at Paris, France.....				500 00
J. G. Nicolay.....	Consul at Paris, France.....				8,038 23
J. O. Putnam.....	Consul at Havre, France.....	1,391 60	4,066 13	3,903 12	5,056 79
G. G. Fleurot.....	Late consul at Bordeaux, France.....	617 68			
Clarendon Davison.....	Consul at Bordeaux, France.....	874 59	2,500 00	3,320 50	2,326 19
G. W. Van Horne.....	Consul at Marseilles, France.....	1,292 67	2,463 48	2,543 17	2,762 26

Statement of moneys received from consuls general, &c.—Continued.

Name.	Place.	1863.	1864.	1865.	1866.
Thaddens Hyatt.....	Late consul at La Rochelle, France.	\$179 56	\$155 00	\$152 37	.....
Thomas P. Smith.....	Consul at La Rochelle, France.	.....	.....	.....	\$347 50
Do.....	Consul at Napoleon Vendee, France.	.....	2 00	.....	.....
Lewis W. Viollier.....	Consular clerk at Lyons, France.	.....	.....	476 32	1,603 26
James Lesley.....	Consul at Lyons, France.	264 00	2,983 64	1,920 33	564 83
Do.....	Late consul at Nice, France.	212 00	.....	.....	.....
W. Slade.....	do.....do.....	54 00	110 50	81 00	37 90
Asa O. Aldis.....	Consul at Nice, France.	.....	.....	.....	32 00
John de la Montagnie..	Consul at Nantes, France.	94 73	465 73	311 41	452 44
Jeremiah Curtin.....	Secretary of legation to St. Petersburg, Russia.	.....	.....	.....	127 52
Perry McD. Collins....	Vice-consul at St. Petersburg, Russia.	290 39	.....	.....	.....
John D. Arnold.....	Late consul at St. Petersburg, Russia.	68 25	.....	.....	.....
W. E. Phelps.....	Consul at St. Petersburg, Russia.	12 00	571 24	541 23	75 50
J. P. Hatterscheidt....	Consul at Moscow, Russia.	2 50	16 00	14 00	.....
T. C. Smith.....	Consul at Odessa, Russia.	19 00	173 94	163 14	50 57
H. B. Stacey.....	Consul at Revel, Russia.	4 00	6 50	2 00	.....
E. S. Eggleston.....	Late consul at Cadiz, Spain.	659 02	154 52	359 46	.....
R. H. Farrell.....	Consul at Cadiz, Spain.	.....	.....	.....	145 38
J. A. Little.....	Late vice-consul at Cadiz, Spain.	.....	.....	.....	20 00
A. Bensusan.....	Vice-consul at Cadiz, Spain.	.....	.....	.....	428 07
A. M. Hancock.....	Consul at Malaga, Spain.	221 86	662 93	.....	428 57
John R. Geary.....	Vice-consul at Malaga, Spain.	.....	.....	458 49	.....
J. A. Little.....	Consul at Barcelona, Spain.	194 24	193 74	190 98	.....
H. B. Robinson.....	Consul at Port Mahon, (Minoren).	74 84	13 00	59 27	20 00
George Kent.....	Consul at Valencia, Spain.	220 02	251 92	57 57	30 54
Daniel Evans.....	Consul at Bilbao, Spain.	2 00	6 00	20 00	1 50
R. C. Hannah.....	Consul at Santander, Spain.	7 25	53 57	17 21	1 15
W. C. Foster.....	Late consul at Carthagena, Spain.	308 55	.....	.....	.....
Albert Mathew.....	do.....do.....	14 00	.....	.....	.....
Charles A. Munro.....	Consul at Lisbon, Portugal.	670 35	171 57	527 62	267 75
T. K. King.....	Late consul at Oporto, Portugal.	23 25	.....	.....	.....
J. T. Porteous.....	do.....do.....	.....	94 00	.....	.....
H. W. Diman.....	Consul at Oporto, Portugal.	32 77	246 98	188 70	14 00
A. W. Crawford.....	Late consul at Antwerp, Belgium.	1,048 80	3,023 90	2,742 21	2,804 52
J. Wilson.....	Consul at Antwerp, Belgium.	.....	.....	.....	47 50
George E. Wies.....	Consul at Rotterdam, Netherlands.	1,038 26	1,561 00	1,612 73	1,641 77
F. J. Klausner.....	Late consul at Amsterdam, Netherlands.	345 74	188 89	.....	.....
A. G. Barnwell.....	do.....do.....	.....	.....	23 10	.....
Thomas Bricker.....	Late vice-consul at Amsterdam, Netherlands.	.....	197 93	47 59	.....
Joseph E. Marx.....	Consul at Amsterdam, Netherlands.	.....	.....	376 38	768 67
C. L. Bernays.....	Late consul at Elsinore, Denmark.	6 30	.....	.....	.....
H. C. Carey.....	do.....do.....	.....	9 11	.....	.....
George P. Hansen.....	Consul at Elsinore, Denmark.	.....	6 72	25 00	6 50
C. A. Leas.....	Late consul at Stockholm, Sweden.	57 56	.....	.....	.....
B. F. Tefft.....	do.....do.....	10 00	67 50	.....	.....
G. V. Tefft.....	do.....do.....	.....	44 00	444 34	547 25
A. W. Fristadens, jr..	Consul at Stockholm, Sweden.	.....	.....	.....	479 76
J. P. M. Epping.....	Late consul at Gottenberg, Sweden.	93 95	15 00	.....	.....
Johannes Rohs.....	Vice-consul at Gottenberg, Sweden.	.....	6 00	.....	.....
W. W. Thomas, jr....	Consul at Gottenberg, Sweden.	.....	226 48	347 47	214 56
Olof E. Drentzer.....	Consul at Bergen, Norway.	31 94	34 50	40 75	33 25
Wm. H. Vesey.....	Consul at Aix-la-Chapelle, Prussia.	889 00	2,151 00	1,898 97	2,433 00
Charles J. Sundell.....	Consul at Stettin, Prussia.	73 47	186 45	171 00	367 83
Theodore Canisius.....	Consul at Vienna, Austria.	736 00	1,209 00	1,704 72	2,340 71
R. Hildreth.....	Late consul at Trieste, Austria.	270 53	390 24	347 65	.....
A. W. Thayer.....	Consul at Trieste, Austria.	.....	.....	147 50	1,019 28
A. M. Mothershead.....	Late consul at Lelpsic, Saxony.	415 75	2,510 60	1,661 69	1,484 90
F. Fleugal.....	Vice-consul at Lelpsic, Saxony.	.....	.....	.....	388 41
T. Y. Dickenson.....	Consul at Lelpsic, Saxony.	.....	.....	.....	1,410 70
F. Webster.....	Late consul at Munich, Bavaria.	97 50	455 00	916 00	266 05
Henry Toomy.....	Consul at Munich, Bavaria.	.....	.....	.....	782 76
Ch. Lautenschlager...	Late vice-consul at Stuttgart, Wurtemberg.	.....	.....	159 75	.....
W. F. Nast.....	Late consul at Stuttgart, Wurtemberg.	298 00	.....	1,536 00	.....
E. Klauprecht.....	Consul at Stuttgart, Wurtemberg.	.....	.....	22 75	1,021 53
W. W. Murphy.....	Consul general at Frankfort, Germany.	479 00	1,683 00	1,299 00	1,332 75
James H. Anderson....	Consul at Hamburg, Germany.	1,188 34	2,674 25	4,241 43	9,483 29
H. Boernstein.....	Consul at Bremen, Germany.	1,161 00	2,250 00	3,624 75	3,689 11
August L. Wolff.....	Consul at Basle, Switzerland.	1,231 00	1,483 50	3,357 80	2,327 06
Charles H. Upton.....	Consul at Geneva, Switzerland.	.....	458 25	630 00	1,106 00
J. R. Fairlamb.....	Late consul at Zurich, Switzerland.	.....	.....	.....	2,679 59
Charles A. Pago.....	Consul at Zurich, Switzerland.	.....	.....	.....	1,742 36
F. Cosby.....	Late consul at Genoa, Sardinia.	123 00	374 50	.....	.....
D. H. Wheeler.....	Consul at Genoa, Sardinia.	708 17	508 28	702 57	682 02

Statement of moneys received from consuls general, &c.—Continued.

Name.	Place.	1863.	1864.	1865.	1866.
W. T. Rice.....	Consul at Spezzia, Sardinia.....	\$24 76	\$10 20	\$2,435 86	\$742 82
A. J. Stevins.....	Late consul at Leghorn, Tuscany..	496 75	1,376 84	863 84	247 53
J. Hutchinson.....	Consul at Leghorn, Tuscany.....				944 72
A. Hammett.....	Late consul at Naples, Sicily.....	195 36	418 71		
Jay T. Howard.....	Consul at Naples, Sicily.....		63 12	1,378 46	103 50
F. W. Behn.....	Vice-consul at Messina, Sicily.....	403 88	770 08	1,968 49	1,736 65
Luigi Monti.....	Consul at Palermo, Sicily.....	535 12	769 05	1,193 62	1,885 88
A. J. Binda.....	Late consul at Leghorn, Tuscany..			389 35	
A. J. De Zeyk.....	Consul at Taranto, Italy.....			652 93	
L. Ujhazy.....	Late consul at Ancona, Italy.....	7 87	8 29		
J. S. Redfield.....	Consul at Brindisi, Italy.....				1,091 27
W. J. Stillman.....	Consul at Rome, Italy.....			139 75	
W. D. Howells.....	Consul at Venice, Italy.....	13 51	257 25	205 00	172 00
L. G. Mead, jr.....	Vice-consul at Venice, Italy.....				132 00
C. W. Goddard.....	Late consul general at Constanti- nople, Turkey.....	437 00	199 18		
A. Thompson.....	Vice-consul general at Constanti- nople, Turkey.....		17 50	1,260 02	1,242 60
J. H. Goodenow.....	Consul general at Constantinople, Turkey.....				191 47
J. J. Barclay.....	Consul at Cyprus, Turkey.....	6 00	14 00	4 80	
W. J. Stillman.....	Consul at Canea, Crete.....				394 52
C. J. Alexis.....	Late consul at Canea, Crete.....			2,790 48	
F. Wipperman.....	Late consul at Galatza, Moldavia..	177 76	5 91	1,085 97	
O. Malmross.....	Consul at Galatza, Moldavia.....				5 00
G. G. Baker.....	Late consul at Athens, Greece.....	5 00			
H. M. Canfield.....	Consul at Athens, Greece.....		16 00	39 70	252 00
Baring Bros. & Co....	Bankers at London, England.....			76,886 08	

S. B. COLBY, *Register.*TREASURY DEPARTMENT, *Register's Office, February 27, 1867.*



MESSAGE
OF THE
PRESIDENT OF THE UNITED STATES,
RETURNING



The bill (S. 453) "regulating the tenure of certain civil offices," with his objections thereto.

MARCH 2, 1867.—Read and ordered to be printed.

To the Senate of the United States :

I have carefully examined the bill "to regulate the tenure of certain civil offices." The material portion of the bill is contained in the first section, and is of the effect following, namely: "That every person holding any civil office to which he has been appointed by and with the advice and consent of the Senate, and every person who shall hereafter be appointed to any such office and shall become duly qualified to act therein, is and shall be entitled to hold such office until a successor shall have been appointed by the President with the advice and consent of the Senate, and duly qualified; and that the Secretaries of State, of the Treasury, of War, of the Navy, and of the Interior, the Postmaster General and the Attorney General, shall hold their offices respectively for and during the term of the President, by whom they may have been appointed, and for one month thereafter, subject to removal by and with the advice and consent of the Senate."

These provisions are qualified by a reservation in the fourth section, "that nothing contained in the bill shall be construed to extend the term of any office, the duration of which is limited by law." In effect the bill provides that the President shall not remove from their places any of the civil officers whose terms of service are not limited by law, without the advice and consent of the Senate of the United States. The bill in this respect conflicts, in my judgment, with the Constitution of the United States. The question, as Congress is well aware, is by no means a new one. That the power of removal is constitutionally vested in the President of the United States is a principle which has been not more distinctly declared by judicial authority and judicial commentators than it has been uniformly practiced upon by the legislative and executive departments of the government. The question arose in the House of Representatives so early as the 16th of June, 1789, on the bill for establishing an executive department denominated "The Department of Foreign Affairs." The first clause of the bill, after recapitulating the functions of that officer and defining his duties, had these words: "to be removable from office by the President of the United States." It was moved to strike out these words, and the motion was sustained with great ability and vigor. It was insisted that the President could not constitutionally exercise the power of removal exclusively of the Senate; that the Federalist so interpreted the Constitution when arguing for its adoption by the several States; that the Constitution had nowhere given

the President power of removal, either expressly or by strong implication, but, on the contrary, had distinctly provided for removals from office by impeachment only.

A construction which denied the power of removal by the President was further maintained by arguments drawn from the danger of the abuse of the power; from the supposed tendency of an exposure of public officers to capricious removal to impair the efficiency of the civil service; from the alleged injustice and hardship of displacing incumbents dependent upon their official stations without sufficient consideration; from a supposed want of responsibility on the part of the President, and from an imagined defect of guarantees against a vicious President who might incline to abuse the power. On the other hand, an exclusive power of removal by the President was defended as a true exposition of the text of the Constitution. It was maintained that there are certain causes for which persons ought to be removed from office without being guilty of treason, bribery, or malfeasance, and that the nature of things demands that it should be so. "Suppose," it was said, "a man becomes insane by the visitation of God, and is likely to ruin our affairs, are the hands of the government to be confined from warding off the evil? Suppose a person in office, not possessing the talents he was judged to have at the time of the appointment, is the error not to be corrected? Suppose he acquires vicious habits and incurable indolence, or total neglect of the duties of his office, which shall work mischief to the public welfare, is there no way to arrest the threatened danger? Suppose he becomes odious and unpopular by reason of the measures he pursues—and this he may do without committing any positive offence against the law—must he preserve his office in despite of the popular will? Suppose him grasping for his own aggrandizement and the elevation of his connections by every means short of the treason defined by the Constitution, hurrying your affairs to the precipice of destruction, endangering your domestic tranquillity, plundering you of the means of defence, alienating the affections of your allies and promoting the spirit of discord; must the tardy, tedious, desultory road by way of impeachment be travelled to overtake the man who, barely confining himself within the letter of the law, is employed in drawing off the vital principle of the government. The nature of things, the great objects of society, the express objects of the Constitution itself require that this thing should be otherwise. To unite the Senate with the President in the exercise of the power," it was said, "would involve us in the most serious difficulty. Suppose a discovery of any of those events should take place when the Senate is not in session, how is the remedy to be applied? The evil could be avoided in no other way than by the Senate sitting always." In regard to the danger of the power being abused if exercised by one man, it was said "that the danger is as great with respect to the Senate, who are assembled from various parts of the continent with different impressions and opinions;" "that such a body is more likely to misuse the power of removal than the man whom the united voice of America calls to the Presidential chair. As the nature of government requires the power of removal," it was maintained, "that it should be exercised in this way by the hand capable of exerting itself with effect; and the power must be conferred on the President by the Constitution as the executive officer of the government."

Mr. Madison, whose adverse opinion in the Federalist had been relied upon by those who denied the exclusive power, now participated in the debate. He declared that he had reviewed his former opinions, and he summed up the whole case as follows:

"The Constitution affirms that the executive power is vested in the President. Are there exceptions to this proposition? Yes, there are. The Constitution says that in appointing to office the Senate shall be associated with the President, unless in the case of inferior officers, when the law shall otherwise direct. Have we (that is, Congress) a right to extend this exception? I believe not.

If the Constitution has invested all executive power in the President, I venture to assert that the legislature has no right to diminish or modify his executive authority. The question now resolves itself into this: Is the power of displacing an executive power? I conceive that if any power whatsoever is in the Executive it is the power of appointing, overseeing, and controlling those who execute the laws. If the Constitution had not qualified the power of the President in appointing to office by associating the Senate with him in that business, would it not be clear that he would have the right, by virtue of his executive power, to make such appointment? Should we be authorized, in defiance of that clause in the Constitution—"The executive power shall be vested in the President"—to unite the Senate with the President in the appointment to office? I conceive not. If it is admitted that we should not be authorized to do this, I think it may be disputed whether we have a right to associate them in removing persons from office, the one power being as much of an executive nature as the other; and the first one is authorized by being excepted out of the general rule established by the Constitution in these words: "The executive power shall be vested in the President."

The question thus ably and exhaustively argued was decided by the House of Representatives, by a vote of thirty-four to twenty, in favor of the principle that the executive power of removal is vested by the Constitution in the Executive, and in the Senate by the casting vote of the Vice-President.

The question has often been raised in subsequent times of high excitement, and the practice of the government has nevertheless conformed in all cases to the decision thus early made.

The question was revived during the administration of President Jackson, who made, as is well recollected, a very large number of removals, which were made an occasion of close and rigorous scrutiny and remonstrance. The subject was long and earnestly debated in the Senate, and the early construction of the Constitution was nevertheless freely accepted as binding and conclusive upon Congress.

The question came before the Supreme Court of the United States in January, 1839, *ex parte Hennen*. It was declared by the court on that occasion that the power of removal from office was a subject much disputed, and upon which a great diversity of opinion was entertained in the early history of the government. This related, however, to the power of the President to remove officers appointed with the concurrence of the Senate; and the great question was, whether the removal was to be by the President alone or with the concurrence of the Senate, both constituting the appointing power. No one denied the power of the President and Senate jointly to remove where the tenure of the office was not fixed by the Constitution, which was a full recognition of the principle that the power of removal was incident to the power of appointment; but it was very early adopted as a practical construction of the Constitution that this power was vested in the President alone, and such would appear to have been the legislative construction of the Constitution, for in the organization of the three great departments of State, War, and Treasury in the year 1789, provision was made for the appointment of a subordinate officer by the head of the department, who should have charge of the records, books and papers appertaining to the office when the head of the department should be removed from office by the President of the United States. When the Navy Department was established, in the year 1798, provision was made for the charge and custody of the books, records, and documents of the department in case of vacancy in the office of Secretary by removal or otherwise. It is not here said "by removal of the President," as is done with respect to the heads of the other departments, yet there can be no doubt that he holds his office with the same tenure as the other Secretaries and is removable by the President. The change of phraseology arose, probably, from its having become the settled and

well understood construction of the Constitution that the power of removal was vested in the President alone in such cases, although the appointment of the officer is by the President and Senate. (13 Peters, page 139.)

Our most distinguished and accepted commentators upon the Constitution concur in the construction thus early given by Congress, and thus sanctioned by the Supreme Court. After a full analysis of the congressional debate to which I have referred, Mr. Justice Story comes to this conclusion: "After a most animated discussion the vote finally taken in the House of Representatives was affirmative of the power of removal in the President, without any co-operation of the Senate, by the vote of thirty-four members against twenty. In the Senate, the clause in the bill affirming the power was carried by the casting vote of the Vice President. That the final decision of this question so made was greatly influenced by the exalted character of the President then in office, was asserted at the time, and has always been believed, yet the doctrine was opposed as well as supported by the highest talents and patriotism of the country. The public have acquiesced in this decision, and it constitutes, perhaps, the most extraordinary case in the history of the government, of a power conferred by implication on the Executive by the assent of a bare majority of Congress, which has not been questioned on many other occasions." The commentator adds: "Nor is this general acquiescence and silence without a satisfactory explanation."

Chancellor Kent's remarks on the subject are as follows:

"On the first organization of the government it was made a question whether the power of removal in case of officers appointed to hold at pleasure resided nowhere but in the body which appointed, and, of course, whether the consent of the Senate was not requisite to remove. This was the construction given to the Constitution while it was pending for ratification before the State conventions, by the author of the Federalist. But the construction which was given to the Constitution by Congress, after great consideration and discussion, was different. The words of the act (establishing the Treasury Department) are: 'And whenever the same shall be removed from office by the President of the United States, or in any other case of vacancy in the office, the assistant shall act.' This amounted to a legislative construction of the Constitution, and it has ever since been acquiesced in and acted upon as a decisive authority in the case. It applies equally to every other officer of the government appointed by the President, whose term of duration is not specially declared. It is supported by the weighty reason that the subordinate officers in the executive department ought to hold at the pleasure of the head of the department, because he is invested generally with the executive authority, and the participation in that authority by the Senate was an exception to a general principle and ought to be taken strictly. The President is the great responsible officer for the faithful execution of the law, and the power of removal was incidental to that duty, and might often be requisite to fulfil it."

Thus has the important question presented by this bill been settled, in the language of the late Daniel Webster, (who, while dissenting from it, admitted that it was settled,) by construction, settled by precedent, settled by the practice of the government, and settled by statute. The events of the last war furnished a practical confirmation of the wisdom of the Constitution as it has hitherto been maintained, in many of its parts, including that which is now the subject of consideration. When the war broke out rebel enemies, traitors, abettors, and sympathizers were found in every department of the government, as well in the civil service as in the land and naval military service. They were found in Congress and among the keepers of the Capitol; in foreign missions; in each and all of the executive departments; in the judicial service; in the post office, and among the agents for conducting Indian affairs. Upon probable suspicion they were promptly displaced by my predecessor, as he

as they held their offices under executive authority, and their duties were confided to new and loyal successors. No complaints against that power or doubts of its wisdom were entertained in any quarter. I sincerely trust and believe that no such civil war is likely to occur again. I cannot doubt, however, that in whatever form, and on whatever occasion, sedition can raise an effort to hinder, or embarrass, or defeat, the legitimate action of this government, whether by preventing the collection of revenue, or disturbing the public peace, or separating the States, or betraying the country to a foreign enemy, the power of removal from office by the Executive, as it has heretofore existed and been practiced, will be found indispensable.

Under these circumstances, as a depository of the executive authority of the nation, I do not feel at liberty to unite with Congress in reversing it by giving my approval to the bill. At the early day when this question was settled, and, indeed, at the several periods when it has subsequently been agitated, the success of the Constitution of the United States, as a new and peculiar system of free representative government, was held doubtful in other countries, and was even a subject of patriotic apprehension among the American people themselves. A trial of nearly eighty years, through the vicissitudes of foreign conflicts and of civil war, is confidently regarded as having extinguished all such doubts and apprehensions for the future. During that eighty years the people of the United States have enjoyed a measure of security, peace, prosperity, and happiness, never surpassed by any nation. It cannot be doubted that the triumphant success of the Constitution is due to the wonderful wisdom with which the functions of government were distributed between the three principal departments—the legislative, the executive and the judicial—and to the fidelity with which each has confined itself or been confined by the general voice of the nation within its peculiar and proper sphere. While a just, proper, and watchful jealousy of executive power constantly prevails as it ought ever to prevail, yet it is equally true that an efficient Executive, capable, in the language of the oath prescribed to the President, of executing the laws and, within the sphere of executive action, of preserving, protecting, and defending the Constitution of the United States, is an indispensable security for tranquillity at home, and peace, honor, and safety abroad. Governments have been erected in many countries upon our model. If one or many of them have thus far failed in fully securing to their people the benefits which we have derived from our system, it may be confidently asserted that their misfortune has resulted from their unfortunate failure to maintain the integrity of each of the three great departments while preserving harmony among them all.

Having at an early period accepted the Constitution in regard to the executive office in the sense in which it was interpreted with the concurrence of its founders, I have found no sufficient grounds in the arguments now opposed to that construction or in any assumed necessity of the times for changing those opinions. For these reasons I return the bill to the Senate, in which house it originated, for the further consideration of Congress which the Constitution prescribes. Inasmuch as the several parts of the bill which I have not considered are matters chiefly of detail, and are based altogether upon the theory of the Constitution from which I am obliged to dissent, I have not thought it necessary to examine them with a view to make them an occasion of distinct and special objections.

Experience, I think, has shown that it is the easiest, as it is also the most attractive of studies to frame constitutions for the self-government of free States and nations. But I think experience has equally shown that it is the most difficult of all political labors to preserve and maintain such free constitutions of self-government when once happily established. I know no other way in which they can be preserved and maintained, except by a constant adherence to them

through the various vicissitudes of national existence, with such adaptations as may become necessary, always to be effected, however, through the agencies and in the forms prescribed in the original constitutions themselves.

Whenever administration fails or seems to fail in securing any of the great ends for which republican government is established, the proper course seems to be to renew the original spirit and forms of the Constitution itself.

ANDREW JOHNSON.

WASHINGTON, *March* 2, 1867.



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LETTER

OF

THE SECRETARY OF THE TREASURY,

COMMUNICATING,

In compliance with a resolution of the Senate of February 5, 1867, information in relation to the amount of money received from sales of cotton or other property turned over to the Treasury Department under the several laws of Congress, and the disposition made of the same.

MARCH 2, 1867.—Read, ordered to lie on the table and be printed.

TREASURY DEPARTMENT, *March 2, 1867.*

SIR: I have the honor to acknowledge the receipt of a resolution of inquiry adopted in the Senate on the 5th of February last, in the following words: "That the Secretary of the Treasury be directed to report for the information of Congress what amount of money has been received from sales of cotton or other property turned over to the Treasury Department under the several laws of Congress, and what disposition has been made of the same, whether any of the money has been paid or refunded to claimants; and if so, the names of such claimants, the amounts severally paid, and under what authority of law and upon what evidence such payments have been made."

In response to the inquiry concerning the amount of money received from sales of cotton or other property, &c., I have the honor to state that by reports furnished to the chairman of the sub-committee of the Joint Committee on Retrenchment, on the 14th of November last, which were prepared by the proper accounting officers of the department, it appears that the total amount received from the various sources properly enumerated under the general head of captured and abandoned property was \$34,052,809 54, of which amount the sum of \$24,742,022 55 remains as net proceeds.

The voluminous detailed statements upon which these figures are based, and to which reference is hereby respectfully made, were placed in the possession of the sub-committee alluded to at the time stated. It is presumed they are at any time accessible to or subject to the call of the Senate.

In response to the remaining clauses of the resolution, I have the honor to transmit herewith two tabular statements, marked respectively A and B, and to state, in explanation thereof, that since the passage of the act of March 12, 1863, concerning captured and abandoned property, &c., Secretary Chase, Secretary Fessenden, and the present Secretary of the Treasury have, in certain cases, ordered the redelivery to claimants of cotton and other property which was taken possession of by agents or officers of the government, under the belief that the same ought to be so taken possession of as captured or abandoned, but which, upon an investigation of the facts, proved not to be legally or properly

liable to such seizure; and also in certain cases where such cotton and other property so improperly taken had been converted into money which had not been covered into the treasury, have ordered the payment of such proceeds to the claimants.

The accompanying statements referred to show in what particular cases and to what amount such re-deliveries and payments have been made.

The claims examined and decided have been numerous and complicated. The papers and evidence in the same are voluminous, and cannot be readily incorporated into a general statement; but the same are of record in the department, and, in any case which the Senate desire specially to investigate, will be submitted for examination.

All moneys realized from the sales of property received under the act in question and other similar acts, not repaid to claimants as set forth in statements A and B, or disbursed as expenses of collecting and disposing of the same as provided by law, have passed into the hands of the Treasurer of the United States, and have also been regularly covered into the Treasury as receipts from captured and abandoned property, except the sum of \$500,000, now on deposit with the Farmers' Loan and Trust Company of New York to secure the sureties on a bond required to be given by Simeon Draper, late cotton agent at New York, in a suit against him, and now pending in New York, instituted by the firm of Dennistoun & Co., to recover the proceeds of alleged blockade cotton, taken by agents of the government and shipped to Mr. Draper for sale; and except, also, about \$700,000, which remains uncovered, for the payment of expenses incident to the collection, care, and disposition of such property, as provided by law; to defray the expenses of certain suits for the recovery of such property or its proceeds, now being prosecuted abroad; to satisfy any judgments which may be obtained against any agents of the department in suits instituted against them for acts done in an official capacity concerning such property; and also to await the final settlement of certain specific claims pending for the proceeds of property alleged to have been wrongfully taken, which the department may properly adjudicate.

In all cases arising under the statutes relative to captured, abandoned, or confiscable property, where the same was taken possession of by agents or officers of the Treasury Department, without the intervention of the military authorities, Secretary Chase, Secretary Fessenden, and the present Secretary have felt authorized to revise the action and correct the errors of subordinate officers of the department; to investigate the facts and circumstances relative to property so seized, and to restore the same or its proceeds to the owners, if it had been illegally or improperly taken.

The action of the present Secretary in this class of cases has been in accordance with oral and written opinions, given in particular cases by the late Attorney General, Hon. James Speed.

In cases where property has been taken possession of by military authorities, and delivered to agents of the Treasury Department, some doubt has existed as to whether the department could revise the action of the military authorities and restore property unlawfully taken.

Secretary Chase inclined to the opinion that the Treasury Department could not take jurisdiction in any case of military seizure, but on the 13th of May, 1864, he submitted the question to the Solicitor of the Treasury, who on the 26th of May advised the Secretary that "the fact that such property may have been turned over to the agent of this department by military authorities does not in any manner affect the power or duty of the department or its agent to inquire whether or not the property is in truth such as is described by the act, and that both the power and the duty to make such inquiry—first in the agent and next in the head of the Treasury Department, of which such agent is a subordinate officer—seems to arise necessarily out of the nature of the duties to

be performed. The agent is not to take *all* property indiscriminately, but such only as is specified in the law. Who is to determine whether any given parcel of property is such as he is required to take or not? I cannot doubt that it is first himself and afterwards his superior, the Secretary of the Treasury."

A copy of the Solicitor's opinion is annexed, and marked C.

Secretary Fessenden adopted the opinion of the Solicitor, and on the 22d of August, 1864, formally approved the same by the following endorsement thereon :

"I concur in the opinion of the Solicitor.

WM. P. FESSENDEN.

"AUGUST 22, 1864."

The department acted upon this opinion, although the cases in which releases of property or its proceeds were made were few and not of large amount, until some time after the capture of the Savannah cotton. The large amounts involved in that capture made the question one of such importance that it was submitted by the present Secretary of the Treasury, on the 17th of June, 1865, to the Attorney General, Hon. James Speed, who, on the 5th of July, 1865, gave his opinion that jurisdiction to examine the facts and to restore the property of loyal citizens improperly taken by the military authorities could not be taken by the President or Secretary of the Treasury, or any commission by them appointed, but that the proceeds of such property ought to be paid into the treasury to await the action of the Court of Claims or of Congress.

A copy of the opinion of the Attorney General is annexed, marked D.

This opinion of the Attorney General has since governed the action of this department as to cases considered as fairly coming within the purview of the same.

In accordance with the views above stated, the cases specified in statement B, hereto annexed, have been examined and allowed by the present Secretary and his immediate predecessor in office. - Upon due proof of any unlawful taking of private property by agents of the department, the facts being shown by satisfactory affidavits, the reports of agents or by other adequate written evidence, the agents holding such property have been ordered to restore the same to the owners, or the proceeds, if not actually covered into the treasury, have been paid to them by order of the department.

With great respect, your obedient servant,

H. McCULLOCH.

Secretary of the Treasury.

The PRESIDENT *of the Senate.*

A.—Statement of claims for cotton voluntarily abandoned by its owners to agents of the Treasury Department.

Date.	Claimant.	Amount of claim.	Cotton released.	Proceeds released.
		<i>Bales.</i>	<i>Bales.</i>	
Dec. 1, 1863	George B. Anthony.....	62	-----	\$15,577 12
Dec. 29, 1863	Mrs. Amelia Allen.....	40	40	
Nov. 30, 1863	Mrs. Mary C. Bledsoe.....	44	-----	7,990 09
Nov. 30, 1863	Mrs. Mary C. Bledsoe.....	68	-----	16,871 97
April 25, 1864	S. B. Beaumont.....	6	-----	1,502 65
Feb. 5, 1864	Mary T. Bonham.....	25	-----	5,508 14
Aug. 18, 1863	S. J. Brown.....	38, and 2 sacks.	38, and 2 sacks.	
April 2, 1864	L. W. Bolson.....	6	-----	1,531 88
Feb. 13, 1864	W. H. Botts.....	16	-----	3,107 37
Nov. 30, 1864	Mrs. Mary C. Bledsoe.....	16	-----	3,647 05
Sept. 29, 1863	E. T. Beers.....	107	-----	15,922 11
Sept. 18, 1863	Mrs. S. M. Bush.....	22	-----	2,886 12
Nov. 28, 1863	P. H. Cobb.....	44	44	
April 30, 1864	C. C. Calloway.....	3	-----	643 53
Dec. 30, 1863	O. N. Cutler.....	54	-----	7,327 56
Nov. 28, 1863	P. H. Cobb.....	11	-----	1,793 45
Sept. 25, 1863	Sherrard Clemens.....	47	47	
Aug. 19, 1864	Sherrard Clemens.....	143	-----	70,276 39
Nov. 30, 1863	Charles Delano.....	36	-----	10,174 24
Aug. 27, 1863	Charles Delano.....	255	-----	44,539 51
Aug. 30, 1864	S. & W. Dickens.....	61	-----	6,810 02
Mar. 3, 1864	John Denson.....	21	-----	4,825 96
Feb. 29, 1864	S. De Bow.....	3	-----	635 25
April 2, 1864	Abel Davenport.....	16	-----	1,554 93
April 14, 1864	J. Denson.....	43	-----	10,920 97
April 14, 1864	J. Denson.....	5	-----	1,273 05
Sept. 21, 1863	H. P. Duncan.....	1,109	1,109	
May 20, 1865	W. H. Ennis.....	33	-----	8,036 31
May 13, 1864	Mrs. E. M. Eddington.....	34	-----	6,715 49
Nov. 28, 1863	E. B. Fuller.....	28	-----	3,907 02
June 20, 1864	William Fisher.....	5	-----	1,222 45
Sept. 19, 1864	Yatman & Co.....	88	-----	15,933 05
Sept. 12, 1864	Yatman & Co.....	243	243	
Sept. 12, 1864	Yatman & Co.....	106	106	
May 3, 1864	S. Galloway.....	6	-----	711 44
Feb. 13, 1864	Patrick Gilfoy.....	9	-----	1,813 29
Sept. 18, 1863	Ira Hardin.....	8	8	
Jan. 9, 1864	John Hallam.....	35	-----	7,705 29
Nov. 28, 1863	David Hall.....	58	-----	11,697 05
Nov. 4, 1864	W. L. Horton.....	13	-----	3,373 70
April 1, 1864	R. S. Innis.....	66	66	
Oct. 16, 1863	J. H. Jarman.....	25	-----	4,377 04
Sept. 18, 1863	T. D. Knox.....	181	-----	21,215 94
April 1, 1864	William B. King.....	9	-----	3,132 44
Aug. 18, 1863	J. W. Leftwich & Co.....	33	-----	3,932 37
May 4, 1864	Sancho Lynch.....	9	-----	1,956 39
May 18, 1865	J. M. Latta.....	7	-----	1,940 11
Sept. 18, 1863	Miss Mary C. Lane.....	4	4	
Feb. 6, 1864	R. J. Mathews and others.....	86	-----	12,743 75
Nov. 30, 1863	Miss Kate Marcy.....	2	-----	202 95
Sept. 18, 1863	E. Mayer.....	13	13	
Sept. 26, 1863	J. E. Merriman.....	37	37	
Nov. 28, 1863	A. N. Marcy.....	29	-----	6,520 92
Nov. 28, 1863	R. V. Montague.....	74	74	
Sept. 18, 1863	E. Mayer.....	28	-----	5,730 45
May 3, 1864	L. D. Mayer.....	30	-----	9,226 20
May 3, 1864	A. McBurney.....	28	-----	6,620 74

Statement of claims for cotton voluntarily abandoned, &c.—Continued.

Date.	Claimant.	Amount of claim.	Cotton released.	Proceeds released.
		<i>Bales.</i>	<i>Bales.</i>	
Aug. 12, 1864	Northrop & Smith	138	138	
Aug. 12, 1864	Northrop & Smith	102	.....	\$12, 871 26
Aug. 12, 1864	Northrop & Smith	114	114	
Aug. 12, 1863	William Nichols	251	.....	65, 270 15
June 9, 1864	C. Northrop & Co.....	13	.....	4, 117 81
Sept. 29, 1863	George P. Peters.....	15	15	
Mar. 4, 1864	J. F. Richey.....	29	.....	5, 608 14
July 18, 1864	R. M. Robinson.....	106	.....	22, 103 34
Dec. 29, 1863	C. Stoddard, jr., & Co.....	39	.....	1, 939 55
Dec. 1, 1863	Warren Shaw.....	35	.....	2, 821 99
Feb. 1, 1864	Warren Shaw.....	53	.....	2, 831 70
May 3, 1864	Robert Stewart	54	.....	7, 847 95
Nov. 23, 1864	T. R. Sloan	94	.....	15, 013 37
July 6, 1865	Thomas Sweeny	2	.....	480 60
Nov. 28, 1863	H. B. Tibbetts	141	.....	29, 087 20
Nov. 28, 1863	H. B. Tibbetts	10	.....	1, 752 62
Dec. 29, 1863	A. & J. Trounstone.....	15	.....	3, 202 07
July 2, 1864	John Turner	2	.....	231 87
Sept. 28, 1863	T. L. Van Fossen.....	15	.....	1, 750 35
Aug. 26, 1863	Foley Vaughan.....	10	10	
Oct. 17, 1863	Mrs. Gracia Walton.....	51	51	
Oct. 17, 1863	A. G. Ward.....	50	50	
Feb. 8, 1864	Charles Warfield.....	25	.....	7, 449 53
Dec. 11, 1863	S. B. Young	136	.....	22, 999 65
Dec. 11, 1863	S. B. Young	28	.....	8, 393 14
Dec. 11, 1863	S. B. Young	133	.....	26, 027 85
			2, 207	616, 843 44

NOTE.—In reference to this statement it is proper to say that certain agents, acting under a misapprehension of the instructions of the department, induced owners of cotton to bring in and voluntarily abandon it, on the assurance that the same, or its proceeds, would be restored on application to the department. Therefore, in any particular case, upon due proof, and where the agent who received the property certified that he had given such assurances, Secretary Chase directed its release or the payment of its proceeds, considering that neither justice nor good faith warranted the retention by the government of property thus voluntarily confided to its protection.

MONEY RECEIVED FROM SALES OF COTTON, ETC.

B.—Statement of cotton claims adjudicated by the Secretary of the Treasury, exclusive of claims for cotton voluntarily abandoned.

Date.	Claimant.	Amount of claim.	Decision.	Cotton released.	Proceeds released.	Remarks, reasons for release, and nature of evidence.
Oct. 7, 1866	A. H. Andrews et al	Bales. 28	Allowed	Bales.	\$1,316 27	Erroneously taken as abandoned.
April 7, 1866	W. W. Andrews, administrator.	135	do		14,491 98	Erroneously seized as the property of the rebel government.
Dec. 29, 1866	W. W. Andrews, administrator.	91		91		Erroneously seized as the property of the rebel government.
Oct. 11, 1864	M. Benton.	15	do		2,612 57	Brought in by military for owner.
May 18, 1866	Mrs. A. A. Brabston	109	Rejected			Failure to identify.
Jan. 26, 1865	M. T. Bonham	59	Allowed		14,232 23	Erroneously taken as abandoned.
Jan. 15, 1865	Colonel Barnard	20	do		6,009 66	Erroneously seized.
Aug. 15, 1865	O. H. Brewer & Co	13	do		1,048 63	Brought in by military for owner.
May 8, 1865	Brott & Davis	19	do		4,514 45	Seized for supposed violation of regulations.
Oct. 1, 1864	Jonathan H. Brown	143	do		82,311 08	Seized by military for supposed frauds.
Nov. 19, 1864	Blatchford & Stone	44	do	44		Erroneously seized as abandoned.
April 22, 1864	George R. Bridges & Co	35	do		20,059 49	Improperly seized as the property of the rebel government.
April 19, 1866	David Barrow	189	do		59,904 73	Erroneously seized as abandoned.
Aug. 11, 1864	B. H. Buckner	69	do		9,711 17	Erroneously seized as abandoned.
Jan. 3, 1865	Mrs. Judson Bass	83	do		13,151 39	Erroneously seized as abandoned.
Jan. 12, 1864	Mary T. Bonham	20	do		2,637 68	Erroneously seized as abandoned.
Sept. 1, 1864	Joseph Botto	9	do		1,790 95	Erroneously seized as abandoned.
	Mrs. L. C. Bullard	168	Rejected			Abandoned property.
	Brindean & Blanchard	155	do			Failure to identify.
	E. W. Burbank	10	Allowed		2,715 76	Erroneously seized.
	Buchoy & Cones	16	Rejected			Failure to prove title.
	J. W. Black	55	Allowed		28,201 28	Erroneously seized.
June 29, 1865	George C. Benham	8	Rejected			Military seizure.
	William Bisterby & Co	607	Allowed	607	7,692 03	Erroneously seized as blockade cotton.
Mar. 3, 1866	Mrs. E. B. Bachelier	45	do		244 21	Erroneously seized as abandoned.
May 12, 1866	W. Brannan et al	3	do			Erroneously seized.
Sept. 14, 1866	R. M. Browning	57	do	57		Erroneously seized.
Mar. 17, 1866	C. H. Bland	107	do	107		Erroneously seized.
Nov. 14, 1864	Neal & Metcalf	2048	Allowed	2048		Improperly seized

May 24, 1866	William Bryce & Co.....	30	.....do.....	30	.....	Erroneously seized.
	H. H. Beach	9	Rejected .....	.....	.....	Abandoned property.
Sept. 13, 1865	John Blevins.....	22	Allowed	22	.....	Seized as property of confederate government.
Nov. 9, 1866	John Blevins.....	32	do.....	.....	4,800 00	Seized as property of confederate government.
June 8, 1866	Mad. Bertinatti.....	.....	do.....	.....	16,200 00	Proceeds of cotton taken by the military forces, as stated by the Secretary of War.
Sept. 24, 1863	O. N. Cutler.....	197	do.....	.....	13,636 32	Brought in by military for owner.
Jan. 29, 1864	W. H. Cherry & Co.....	48	do.....	.....	5,002 65	Brought in by military for owner.
Jan. 26, 1864	J. J. Craig	1,600 lbs.	do.....	.....	742 48	Mixed with government cotton in shipping.
	S. Clemens.....	600	Rejected .....	.....	.....	Captured or abandoned.
Jan. 26, 1865	Carson & Jones.....	6	Allowed .....	.....	944 75	Extra risk in transporting government cotton.
Jan. 8, 1867	Temple Clark and Henry Warren, adverse claimants.	32	.....	.....	9,214 84	Erroneously seized.
	A. C. Cloud	30,000 lbs.	Rejected .....	.....	12,910 84	Evidence of receipt insufficient.
	W. J. Cowan.....	23	do.....	.....	.....	Proof of title insufficient.
Oct. 3, 1864	Temple Clark	24	Allowed .....	.....	15,985 61	Erroneously seized.
Dec. 17, 1864	Temple Clark	31	do.....	31	.....	Erroneously seized.
Dec. 23, 1864	Cowan & Dickson.....	101	do.....	101	.....	Sent in by military for owner.
July 16, 1866	Carr, Glenn & Wright	52	do.....	.....	5,546 94	Erroneously seized.
	A. F. Cramer & Co.....	20	Rejected .....	.....	.....	Failure to identify.
Nov. 16, 1866	A. F. Crawford	107	Allowed	107	.....	Erroneously seized as confederate property.
	Cazenove & Co.....	36	Rejected .....	.....	.....	Captured property.
Nov. 16, 1866	Cohen & Hertz	54	Allowed	54	.....	Improperly seized.
	M. Cummings, executor	115	do.....	115	.....	Erroneously seized as blockade running cotton.
May 7, 1866	W. M. Cozart	160	Rejected .....	.....	.....	Property of the rebel government.
April 11, 1866	Mrs. Mary Cassim.....	50	Allowed .....	.....	7,222 53	Erroneously seized.
	Miss S. Camp.....	25	Rejected .....	.....	.....	Insufficient proof.
April 7, 1866	George H. Cheever, estate.....	.....	.....	.....	.....	Seized as blockade cotton.
May 7, 1864	Samuel Davis.....	3	Allowed .....	.....	731 00	Seized for supposed violation of regulations.
Dec. 11, 1863	H. L. Davis	23	do.....	.....	2,169 48	Shipped by military for owner.
	J. T. Douglas.....	1	Rejected .....	.....	.....	Abandoned property.
	S. DeBow & Co.....	26	Allowed	26	.....	Improperly seized.
April 17, 1866	Joseph Day	50	do.....	50	.....	Erroneously seized as subscribed to rebel government.
	J. D. B. DeBow	79	Rejected .....	.....	.....	Property of rebel government.
	D. Dupree.....	80	do.....	.....	.....	Sold to rebel government.
Nov. 23, 1864	Charles W. Elliott.....	25	Allowed .....	.....	10,109 03	Brought in by military for owners.
Dec. 27, 1866	Mrs. A. F. Elliott	25	do.....	.....	9,603 33	Erroneously seized as abandoned.
	H. Escoubas.....	9	Rejected .....	.....	.....	Military seizure.
Feb. 20, 1867	J. H. Echols	20	Allowed .....	.....	962 28	Erroneously seized.
	E. H. Forsyth	11	Rejected .....	.....	.....	Insufficient evidence.

Statement of cotton claims adjudicated by the Secretary of the Treasury, &c.—Continued.

Date.	Claimant.	Amount of claim.	Decision.	Cotton released.	Proceeds released.	Remarks, reasons for release, and nature of evidence.
25, 1864	P. B. Fouke.....	Bales. 101	Allowed.....	Bales. 101	.....	Seized for supposed violation of regulations.
Jan. 13, 1864	J. W. Farr.....	128	.....do.....	128	.....	Erroneously seized as abandoned property.
Feb. 23, 1864	Sarah Foley.....	36	.....do.....	.....	8,018 34	Shipped by military for owner.
Feb. 25, 1864	C. C. S. Farrar.....	19	.....do.....	19	.....	Seized for supposed violation of regulations.
May	Mrs. Susan Fletcher.....	32	Rejected.....	.....	.....	Captured property.
17, 1866	W. Freeman.....	67	Allowed.....	.....	7,611 68	Erroneously seized as rebel property.
May 5, 1866	Rev. Dr. Fuller.....	57	.....do.....	.....	3,507 02	Received from military for owner.
Dec.	D. L. Ferguson.....	46	Rejected.....	.....	.....	Captured property.
	P. A. Fenerty.....	13	.....do.....	.....	.....	Military seizure.
	Mrs. M. F. Fort.....	77	.....do.....	.....	.....	Sold to rebel government.
27, 1863	J. W. Green.....	28	Allowed.....	.....	4,340 41	Erroneously seized as abandoned.
Aug. 2, 1864	Thomas Gillon.....	1	.....do.....	.....	263 32	Erroneously seized as stolen property.
Sept. 2, 1865	Griggs & Thing.....	13	.....do.....	.....	7,468 80	Seized through mistake.
June 12, 1864	M. Grundy.....	4	.....do.....	.....	555 69	Shipped by military for owner.
Aug. 13, 1865	Mrs. M. L. Graves.....	12	.....do.....	.....	4,212 36	Erroneously seized as property of a rebel.
July 14, 1864	G. W. Graham & Co.....	107	.....do.....	107	.....	Erroneously seized as rebel property.
Nov. 27, 1866	J. Griggs.....	34	.....do.....	.....	3,792 16	Erroneously seized.
Jan.	J. C. Grealy.....	2	Rejected.....	.....	.....	Military seizure.
	Juliet Glass.....	18	.....do.....	.....	.....	Military seizure.
28, 1863	W. H. Gill.....	23	Allowed.....	.....	189 98	Erroneously seized as tibs cotton.
Nov. 10, 1863	B. F. & E. George.....	175	.....do.....	175	.....	Improperly seized.
Nov. 4, 1865	F. M. Gilmer, jr.....	58	.....do.....	58	.....	Improperly seized.
Dec. 23, 1866	Mrs. L. F. Gibson.....	176	.....do.....	.....	36,954 42	Erroneously seized as abandoned.
Feb.	J. G. Harrison.....	25	Rejected.....	.....	.....	Captured or abandoned.
Dec. 17, 1863	N. W. Halligan.....	9	Allowed.....	.....	1,663 50	Brought in by military for owner.
Dec. 16, 1866	W. Hawes Harris.....	71	.....do.....	.....	8,491 92	Erroneously seized as abandoned.
Oct. 19, 1865	.....do.....	112	.....do.....	.....	19,953 95	Erroneously seized as abandoned.
Oct.	W. F. Harrell.....	50	Rejected.....	.....	.....	Sold to Confederate government.
Nov. 14, 1864	W. R. Hodges.....	119	Allowed.....	119	.....	Erroneously seized as rebel property.
Nov. 14, 1864	E. J. Hart & Co. et al.....	31	.....do.....	31	.....	Erroneously seized as rebel property.
Mar. 31, 1866	J. F. Huddleston.....	68	.....do.....	.....	6,321 39	Erroneously seized as abandoned.
	B. Houston.....	22	Rejected.....	.....	.....	Captured property.
July 18, 1866	Thos. J. Hughes.....	30	Allowed.....	.....	4,100 20	Erroneously seized.

July 16, 1866	Thos. Hobson.....	62	do.....	.....	8,331 05	Erroneously seized as rebel property.
April 27, 1866	N. H. Harrison, est.....	602	do.....	662	.....	Improperly seized.
Oct. 25, 1866	D. Hoxie.....	1	do.....	.....	255 03	Erroneously turned over.
Mar. 20, 1865	Mrs. T. B. Hoyt.....	12	Rejected.....	.....	.....	Captured property.
Dec. 11, 1863	Ezra W. Ingles.....	7	Allowed.....	.....	1,426 60	Erroneously seized as confiscable.
	William Jeans.....	19	do.....	.....	2,195 80	Improperly seized.
	H. M. James.....	38	Rejected.....	.....	.....	Seized as abandoned.
	Thomas W. Johnson.....	97	do.....	.....	.....	Sold to rebel government.
	James River Manufacturing Co.....	50	do.....	.....	.....	Captured property.
April 19, 1866	J. H. Jarrott.....	63	Allowed.....	63	.....	Erroneously seized as property of rebel government.
Feb. 27, 1864	A. Kellogg.....	23	do.....	.....	3,660 32	Shipped by military for owner.
Nov. 14, 1865	Kahweiber Brothers.....	85	do.....	85	.....	Erroneously seized.
Nov. 7, 1864	Keun & Scott.....	67	Rejected.....	.....	.....	Military seizure.
	Lazare & Webb.....	10	Allowed.....	10	.....	Improperly seized.
June 18, 1866	Michael Lynch.....	30	Rejected.....	.....	.....	Insufficient proof.
	A. E. Lunsford.....	20	Rejected, but paid on decree of court.	.....	10,626 77	Libelled as confiscable; decree in favor of claimant.
Nov. 1, 1866	Mrs. C. M. Locke.....	21	Rejected.....	.....	.....	Insufficient evidence of identity.
Jan. 8, 1866	Elizabeth Lanier.....	64	do.....	.....	.....	Sold to rebel government.
April 30, 1866	W. G. Lightfoot.....	10	Allowed.....	.....	1,420 00	Erroneously seized.
July 11, 1865	do.....	63	do.....	63	.....	Erroneously seized.
	E. J. Lide.....	56	do.....	56	.....	Sold to confederate government.
	Louisiana State Bank.....	749	do.....	749	.....	Erroneously seized.
	George W. Lane.....	257	do.....	257	.....	Erroneously seized.
Feb. 14, 1865	G. B. Lamar.....	948	Rejected.....	.....	.....	Captured and blockaded.
Aug. 29, 1864	V. T. Meredith.....	14	Allowed.....	.....	3,869 41	Improperly seized as rebel property.
Aug. 9, 1864	J. G. Michie.....	176	do.....	.....	41,363 58	Erroneously seized as abandoned.
Aug. 24, 1864	R. V. Montague.....	48	do.....	.....	9,304 72	Contract for collecting abandoned cotton.
	H. McLearn.....	80	do.....	.....	11,245 97	Improperly seized.
	Captain McMillan.....	78	Rejected.....	.....	.....	Abandoned property.
Oct. 14, 1863	Hugh Maher, et al.....	150	do.....	.....	32,792 43	Shipped by military for owners.
July 28, 1865	J. G. McBain.....	23	Allowed.....	.....	3,200 72	Erroneously seized as property of rebel government.
Jan. 24, 1865	Edw. Maxwell et al.....	28	do.....	.....	7,423 52	Erroneously seized as abandoned.
Nov. 14, 1864	A. S. Mansfield.....	245	do.....	245	.....	Erroneously seized as rebel property.
	James Meagher.....	45	Rejected.....	.....	.....	Proof of identity insufficient.
Dec. 10, 1866	R. Mure & Co.....	68	Allowed.....	68	.....	Erroneously seized as blockade cotton.
	E. W. Massey.....	7	Rejected.....	.....	.....	Captured property.
Dec. 27, 1866	M. Malseh.....	45	Allowed.....	.....	7,230, 40	Erroneously seized.

Statement of cotton claims adjudicated by the Secretary of the Treasury, &c.—Continued.

Date.	Claimant.	Amount of claim.	Decision.	Cotton released.	Proceeds released.	Remarks, reasons for release, and nature of evidence.
Jan. 2, 1866	Mrs. E. Miller.....	Bales. 72	Allowed	Bales.	8,558 56	Erroneously seized as property of rebel government.
	A. McDonald.....	91	do.....	91	.....	Erroneously seized.
	Mrs. F. A. Moore.....	180	Rejected .....	.....	.....	Sold to rebel government.
	James McDaniel.....	99	do.....	.....	.....	Sold to rebel government.
	Abra Navara.....	15	do.....	.....	.....	Captured property.
Nov. 30, 1863	Mrs. L. D. Neff.....	3	Allowed .....	.....	898 37	Shipped by military for owners.
Aug. 26, 1864	Paul Butler & Co.....	63	Actual purchase money allowed on grounds of purchase in good faith by claimants.	.....	13,491 90	Seized and libelled as property of a rebel.
May 13, 1864	J. P. Peabody.....	4	Allowed .....	.....	727 15	Improperly seized.
Nov. 11, 1865	Fergus Peniston.....	60	do.....	.....	7,033 76	Improperly seized.
Nov. 27, 1866	W. A. Patison.....	60	do.....	.....	2,673 62	Brought in by military for owner.
June 11, 1866	P. Poullaine & Co.....	575	do.....	575	.....	Improperly seized.
May 8, 1866	T. F. Persons, est.....	50	do.....	50	.....	Erroneously seized.
	Pierce & Maxwell.....	30	Rejected .....	.....	.....	Seized as confederate property.
	I. A. Roberts, administrator.....	61	do.....	.....	.....	Sold by confederate agent.
	W. P. Rambert.....	100	do.....	.....	.....	Captured property.
Jan. 28, 1865	Clay Roberts.....	33	Allowed .....	.....	18,518 36	Erroneously seized.
Nov. 30, 1863	Mrs. Ricketts & Bell.....	26	do.....	.....	.....	Erroneously seized as abandoned.
Dec. 31, 1864	C. C. Row.....	2	do.....	.....	477 78	Improperly seized.
July 13, 1864	Harriet A. Robb.....	17	do.....	.....	3,401 80	Shipped by military for owner.
	M. Ross.....	229	Rejected .....	.....	.....	Captured or abandoned.
	Alice Roby et al.....	120	do.....	.....	.....	Sold to confederate government.
May 10, 1865	William Riddle.....	5	Allowed .....	.....	579 64	Erroneously seized as abandoned.
	A. Richards et al.....	7	Rejected .....	.....	.....	Captured or abandoned.
Aug. 22, 1866	Patrick Robinson.....	10	Allowed .....	.....	738 50	Erroneously seized.
	M. Ross.....	15	Rejected .....	.....	.....	Insufficient evidence.
	John Smith.....	22	do.....	.....	.....	No evidence of receipt.
	W. A. Scott.....	25	do.....	.....	.....	Subscribed to rebel government.

Sept. 19, 1866	W. A. Scott.....	5	Allowed .....	.....	761 24	Erroneously seized.
	William M. Smith.....	94	do.....	94	.....	Improperly seized.
	Warren Shaw.....	123	do.....	.....	14, 718 29	Erroneously seized as abandoned.
	W. F. Smith.....	11	Rejected .....	.....	.....	Military seizure.
	Warren Shaw.....	26	do.....	.....	.....	Failure to identify.
Nov. 7, 1865	Samuel Snapp	57	Allowed	57	.....	Seized for supposed violation of law.
June 29, 1865	W. P. Suggs	31	do.....	31	.....	Erroneously seized as property of a rebel.
	Mary E. Stout	55, 000 lbs	Rejected .....	.....	.....	No evidence of receipt by Treasury Department.
May 3, 1864	Robert Stewart	54	Allowed .....	.....	7, 847 95	Seized for supposed violation of regulations.
	James Stewart.....	177	Rejected .....	.....	.....	Failure to identify.
	G. P. Swift	55	do.....	.....	.....	Confederate property.
May 2, 1866	Paran Stevens <i>et al.</i>	60	Allowed .....	.....	10, 423 20	Improperly seized.
May 2, 1866	J. M. Stark.....	300	do.....	.....	48, 237 66	Improperly seized.
Oct. 23, 1866	H. Spanier	53	do.....	.....	2, 438 00	Erroneously seized.
April 18, 1866	Saloman Root & Co.....	128	do.....	128	.....	Seized as blockade; released on bond.
Aug. 27 and Dec. 28, 1864	H. B. Tibbatts.....	95	do.....	.....	9, 304 72	Erroneously seized as abandoned.
	Samuel Templeton	30	Rejected .....	.....	.....	Military seizure.
Aug. 29, 1864	E. G. Thompson.....	31	Allowed .....	.....	7, 207 22	Seized for supposed violation of law.
June 20, 1865	O. O. Tadini.....	35	do.....	35	.....	Seized for supposed violation of law.
Oct. 8 and 27, 1865.	G. W. Turner and Clark Wright & Co., adverse claimants.	165	Proceeds turned over to supreme court, Cincinnati, Ohio.	.....	43, 985 02	Erroneously seized as abandoned.
	G. W. Turner and J. H. Harworth, adverse claimants.	80	Rejected .....	.....	.....	Seized as abandoned.
April 9, 1866	J. C. Terry.....	200	do.....	.....	.....	Military seizure.
May 3, 1866	W. F. Turner.....	438	Allowed	438	.....	Erroneously seized.
Dec. 14, 1866	M. Trimble	20	do.....	.....	7, 728 99	Brought in by military for owner.
April 7, 1866	A. E. Tracey & Co.....	45	do.....	.....	2, 016 49	Erroneously seized.
	W. H. Thornton <i>et al.</i>	114	do.....	.....	15, 327 14	Erroneously seized.
	John M. Tate, est	282	Rejected .....	.....	.....	Sold to confederate government.
	M. Tully	9	do.....	.....	.....	Insufficient evidence.
	James Thomasson	3	do.....	.....	.....	Insufficient evidence.
	W. W. Withenbury	57	do.....	.....	.....	No evidence of receipt.
Feb. 25, 1865	Mrs. M. Womark.....	15	Allowed .....	.....	3, 958 03	Erroneously turned over.
July 16, 1863	Miss Worcester.....	50	do.....	50	.....	Seized for supposed violation of regulations.
July 17, 1864	Jane S. Wayne	4	do.....	4	.....	Shipped by military for owner.
Sept. 8, 1865	J. M. Wiggin.....	4	do.....	.....	1, 020 79	Erroneously seized as property of a rebel.
Mar. 8, 1864	R. R. Wilson	7	do.....	.....	1, 663 45	Improperly seized.
April 6, 1864	J. G. Wyley.....	74	Rejected .....	.....	.....	Abandoned property.
	Webb & Lazare.....	10	Allowed	10	.....	Erroneously seized as abandoned.

Statement of cotton claims adjudicated by the Secretary of the Treasury, &c.—Continued.

Date.	Claimant.	Amount of claim.	Decision.	Cotton released.	Proceeds released.	Remarks, reasons for release, and nature of evidence.
Dec. 18, 1865	John P. White	Bales. 27	Allowed	27	.....	Erroneously seized as rebel property.
	Victor F. Wilson <i>et al</i>	634	Rejected	.....	.....	Abandoned property.
Feb. 19, 1864	Mrs. M. Ward	6	Allowed	6	.....	Erroneously seized.
	John S. Williams	220	.....do.....	.....	\$33,100 80	Erroneously seized as property of rebel government.
July 24, 1866	Watts Crane & Co	204	.....do.....	.....	48,305 42	Erroneously seized.
Jan. 19, 1866	John W. Williams	50	.....do.....	50	.....	Improperly seized.
Dec. 14, 1866	B. F. Williams	283	Rejected	.....	.....	Sold to confederate government.
	F. H. Wild	100	.....do.....	.....	.....	Sold to confederate government.
June 14, 1866	Jerre Wahlers <i>et al</i>	412	Allowed	.....	44,719 95	Erroneously seized.
	Woods & Gardner	16	Rejected	.....	.....	Rebel property.
Sept. 15, 1866	J. M. Walton	3	Allowed	.....	345 00	Erroneously seized.
April 27, 1866	D. E. Wilson	4	.....do.....	.....	1,389 00	Erroneously seized.
July 10, 1866	Charles Whitlock	15	.....do.....	.....	4,895 91	Erroneously seized.
April 27, 1866	S. Williams	6	.....do.....	6	.....	Erroneously seized.
	J. M. Wells	5	.....do.....	.....	2,668 10	Erroneously turned over.
	A. Waddel	30	Rejected	.....	.....	Captured property.
	Total	.....	.....	.....	1,012,459 83	.....

Cotton claims adjusted by the Secretary of the Treasury on the basis of the purchasing regulations.

Date.	Claimant.	Amount of claim.	Cotton allowed.	Proceeds allowed.
		Bales.	Bales.	
Nov. 6, 1865	Kellinger & Featherby	4	.....	\$1,231 03
May 15, 1865	Wilson, Gibson & Co	455	.....	59,979 48
May 30, 1865	Sanford Erwin.....	214	.....	62,108 76
Nov. 28, 1866	A. H. Collister	73	.....	31,486 84
Nov. 20, 1866	Dwight & Gill.....	1,211	.....	69,099 80
Dec. 16, 1865	B. Jolly.....	1,172	.....	71,538 86
Jan. 25, 1867	C. A. Weed & Co	1,337	1,003	.....
	A. H. Lagare	227,248 lbs.	.....	25,000 00
Total...	.....	.....	.....	320,444 77

NOTE.—Under regulations relative to the purchase of products of insurrectionary States, authorized by the act of July 2, 1864, these claimants had purchased cotton under permits of President Lincoln, but were unable to deliver the same to the purchasing agents before the surrender of the rebel forces, after which it was taken possession of by the government. It appearing that the parties had acted in good faith, and had complied in every respect with their contracts, accordingly three-fourths of the cotton or its net proceeds were delivered to the claimants, and the one-fourth retained by the government.

CLAIMS FOR SALVAGE.

December 11, 1866.—Shepard Parkman & Co., amount allowed.....	\$157,444 66
December 18, 1866.—John Duncan, amount allowed	97,284 26
Total	254,728 92

NOTE.—The case of Shepard and Parkman, Brooks & Co., and that of John Duncan, were of the same character as those above described arising under the purchasing system; but it appearing that the alleged purchase had not been perfected so as to make it a completed transaction, the claims in that form were not considered allowable. It was shown, however, that, acting in good faith in the assertion and protection of the rights they supposed they had acquired, the claimants in each case had expended money and performed valuable services in procuring military orders, and guards and other protection for it as private property, which saved the same from destruction by the rebel soldiery and other persons evilly disposed towards the government of the United States.

In consideration of such expenditures and services, an allowance as salvage was made in each case on so much of the cotton purchased under the executive permit, and so saved, as was actually received and sold by the government, throwing out all not identified as covered by the purchase, or not received and sold as above. Thus the Shepard-Parkman purchase was 19,700 bales, but an allowance was made as to only 11,255 bales—16½ per cent. of the net proceeds of which, or \$157,444 66, was paid as stated. \$30,000 of this amount was immediately returned to the treasury, in satisfaction of a debt assumed to be due the government by Parkman, Brooks & Co. In the Duncan case the purchase covered 5,005 bales, but the settlement made was only as to 3,484 bales—33½ per cent. of the net proceeds of which, or \$97,284 26, was paid as stated.

RECAPITULATION.

Number of bales of voluntarily abandoned cotton released.....	2,207
Number of bales of erroneously seized cotton released	6,356
Number of bales of cotton released on basis of purchasing regulations.....	1,003
Total number of bales released.....	9,566
Amount allowed on claims for cotton voluntarily abandoned	\$616,843 44
Amount allowed on claims for cotton erroneously seized, &c.....	1,018,459 83
Amount allowed on claims adjusted on basis of purchasing regulations.....	320,444 77
Amount allowed on claims for salvage	254,728 92
Total amount allowed on all claims.....	\$2,210,476 96

C.

TREASURY DEPARTMENT,

Solicitor's Office, May 26, 1864.

SIR: I have the honor to acknowledge the receipt of your letter of the 13th instant, asking my opinion upon the question, "Whether, in cases where property is turned over to agents of this department by military officers, under the act of Congress approved March 12, 1863, the Secretary of the Treasury has the power to inquire into the facts attending the action of the military authorities, and to so construe the act as to decide whether the property so turned over was actually captured or abandoned [property,] and if satisfied it was not, to release it to claimants; or whether he must regard and treat as therein prescribed *all* property so received from military authorities, leaving to the Court of Claims the question of capture," and to say "that in my judgment" the fact that such property may have been turned over to the agent of this department by military authorities does not in any manner affect the power or duty of the department or its agent to inquire whether or not the property is in truth such as is described by the act, and that both the power and duty to make such inquiry, first in the agent, and next in the head of the Treasury Department, of which such agent is a subordinate officer, seems to me to arise necessarily out of the nature of the duties to be performed. The agent is not to take all property indiscriminately, but such only as is specified by the law.

Who is to determine whether any given parcel of property is such as he is required to take or not? I cannot doubt that it is first himself and afterward his superior, the Secretary of the Treasury.

I return herewith the papers transmitted with your letter, and have the honor to be, with high respect,

EDWARD JORDAN,
Solicitor of the Treasury.

Hon. S. P. CHASE,
Secretary of the Treasury.

D.

*Mr. Speed to Mr. McCulloch.*ATTORNEY GENERAL'S OFFICE, *July 5, 1865.*

SIR: I have the honor to acknowledge the receipt of your letter of the 17th ultimo, submitting for my opinion the questions that have arisen in your department in the case of the "Savannah cotton."

The circumstances under which the property in question came into the possession of the government are stated in your letter substantially as follows:

On the occupation of the city of Savannah, in December last, by the United States forces under Major General Sherman, some thirty-eight thousand (38,000) bales of cotton were found stored there. This property was seized and taken possession of by the military authorities, and by them turned over to agents of the Treasury Department as "captured property," pursuant to the provisions of the acts of Congress of March 12, 1863, and July 2, 1864. (12 Stat. at Large, 820; 13 Id., 375.) After it was thus received by the appropriate agents, the property was forwarded to New York, and there sold at auction as provided by law.

You state that a number of claims for the proceeds of the sales are now being presented to your department, some of the claimants being residents of Savannah, who aver that they have been loyal to the government during the

rebellion; others, being subjects of foreign governments, resident in Savannah or abroad, averring that they were neutral during the late conflict; others again, being northern merchants, stating that they came into possession of the cotton claimed by them in payment of, or security for, debts contracted prior to the rebellion; and still others claiming restitution of their property, or its proceeds, on the ground that the cotton in question was not capturable, or properly 'captured property,' and should not be held and treated as such.

The first question arising on this state of facts that you submit is, whether the property to which reference has been made should or should not be regarded as "captured," under the acts of Congress of March 12, 1863, and July 2, 1864.

I do not perceive that either of the statutes provides what property shall be regarded as "captured property" within the meaning of the law. A definition of "abandoned" property, however, is contained in the first section of the act of 1864. That statute provides that *property*, real or personal, shall be regarded as *abandoned* when the lawful owner shall be voluntarily absent therefrom, and engaged, either in arms or otherwise, in aiding or encouraging the rebellion. (13 Stat. at Large, 376.) But I apprehend that there need be no difficulty in determining, for our present purposes, what property is comprehended by the phrase "captured property" as used in these statutes, for the phrase is its own sufficient explanation. I suppose that all movable property, other than that species described by the proviso to the first section of the act of 1863, *actually and hostilely seized and taken* on land, by a military officer or soldier of the United States, in a State or any portion of a State designated as in insurrection against the United States, may be regarded as "captured" within the meaning of the statutes of 1863 and 1864. I do not intend to say that no other property than that I have thus endeavored to describe may be denominated and treated "as captured property" under these statutes. It would seem, by the 7th section of the act of 1864, that certain property seized and taken by naval forces, viz. property seized by the navy "upon any of the inland waters of the United States," may be dealt with in the manner provided by the laws under consideration. (13 Statutes at Large, 377.) Whether this section takes away the prize jurisdiction of the courts in all cases of seizure of water-borne property on the inland waters of the United States, effected there by naval commissioned captors, and commits all jurisdiction over such cases to the Court of Claims and to Congress, must remain for judicial determination. But the Supreme Court has recently decided that private property, seized by a naval force on land bordering upon one of the inland waters of the insurrectionary south, was not the subject of prize jurisdiction, and as receivable by the treasury agents under the statute of 1863. (*W. S. vs. 72 bales of cotton*, Dec. 7, 1864, No. 360.) This decision was rendered in a case to which the act of 1864 did not apply, the capture there considered having been made prior to the passage of that statute.

I refer to it for the purpose of showing that certain cases of purely naval capture must pursue the course indicated in the statute for the collection of abandoned and captured property. I have said that property seized or taken by any military person in the insurrectionary territory is denominated as "captured," but the 6th section of the act of 1863 would seem to affix that character to "*cotton, sugar, rice, and tobacco*" *received* by any United States officer or soldier within insurrectionary districts. The section provides that it shall be the duty of every officer or private soldier who may take or *receive* abandoned property, or any cotton, sugar, rice, or tobacco, from persons in insurrectionary districts, or *have such property under his control*, to turn the same over to an agent of the Treasury Department; and it further provides that refusal or neglect to do so shall subject such an officer or soldier to trial and punishment. —(12 Stat. at Large, 821.)

Property of the foregoing character thus turned over to a treasury agent, and in that manner "*received*" by him, must be dealt with as the second section

of the act provides; that is, it must be sold, and its proceeds paid into the treasury, there to await the action of the Court of Claims, when duly invoked.

Thus it appears that all *cotton* received by, or that may have come under the control of, any military officer or soldier, whether it was actually seized or captured by him or not, *must* be dealt with as "abandoned or captured property." I may have occasion hereafter to comment upon the effect of this provision.

The statute, it may be said, thus affixes to all *cotton*, as well as all the other articles above stated, that may be under the control of a military or naval officer in the insurrectionary districts, the *de jure* character of "captured" property; and when such property is received by a treasury officer, appointed to execute the provisions of the acts of 1863 and 1864, it becomes, it may be said, *de facto* "captured" property, and must be disposed of accordingly.

I am of opinion, therefore, that the cotton found by our army at Savannah, taken possession of there by the military authorities, and received from them by the agents of the Treasury Department, is and should be regarded as *de facto* and *de jure* "captured" property under the statutes of 1863 and 1864.

The second question which you propound is, whether, if this property be of the character that I am of opinion it is, the power rests with the Secretary of the Treasury or the President to appoint a commission to examine the claims, and restore to loyal claimants the proceeds of so much of the property in question as they can show to have been legally theirs.

I am of opinion that neither the President nor any other executive officer can restore or authorize such a commission as you suggest, to make restoration of the proceeds of their captured property to these loyal claimants.

Congress, by the legislation under consideration, has reserved to itself the power of finally disposing of the claims of the alleged owners of this property; and so long as that legislation exists the claimants must pursue the remedy which it indicates for the establishment and enforcement of their rights. By the Constitution Congress has exclusive power "*to make rules concerning captures on land and water.*" The present legislation, I apprehend, is clearly an exercise of that power. This is a general and comprehensive sovereign prerogative. Under other systems of government the authority to make such rules may be exercised by the political department, but in this country the legislative department of the government possesses exclusive authority, both to establish rules for the regulation of the right of capture in time of war and also to provide the method by which all questions touching captures may be determined.

The present legislation is not so much a regulation of the right of capture, though the 6th section of the act of 1863 may be interpretable as authorizing, if not commanding, the seizure of certain kinds of property found by our military forces within the hostile districts of the south, as it is a provision for the judicial ascertainment of the rights of persons affected by captures that may have been, or may be, made in the progress of our belligerent operations set on foot for the reduction of the rebellious southern country. Congress took notice of the *fact* that captures of private property on land had been made, and would continue to be made, by the armies operating in and against that territory, as a necessary and proper means of diminishing the wealth and thus reducing the power of the insurgent rulers. It was not expected that such captures had been, or would be, in all cases well and wisely made, or that, in the course of such predatory hostility, the innocent would not sometimes suffer as well as the guilty. Nor was it thought well that the administration, so to speak, of so much of the property within the enemy's territory as might be reduced into the possession of the military forces, should be controlled by or under Executive authority. In this view of existing facts and of just policy, the system provided by the act of 1863 was devised for the adjudication and decision of the cases contemplated by the statute.

The Secretary of the Treasury was authorized to appoint agents to "collect

all abandoned or captured property" in the enemy's country. To secure faithful and honest performance of their duty, the Secretary was authorized to require such agents to give bonds, in such amounts as he might deem necessary. The duty of the agents was to receive all property in the insurgent States which was in fact captured or seized out of the enemy's possession by the military authorities. They had no duty or power to inquire whether or not such property had been rightfully captured; whether the generals who reported it to them for collection had observed, in effecting the captures, what are called "the recognized usages of war," or had violated all the principles of writers on what is styled the law of nations, supposed to tend against the right of seizing private property on land; but it was the duty of the treasury agents simply to receive all property reported to them as having been captured, irrespective of any considerations touching the legal exemption of any of it from seizure, and to dispose of it in the manner provided by the law.

After the conversion of the property into money, the proceeds were directed to be paid into the treasury. The words of the statute are, "the proceeds thereof shall be paid into the Treasury of the United States." But these proceeds do not pass into the treasury as proceeds of property sold under a judicial sentence of confiscation. They are not sequestered or condemned, but simply held by the United States, so to speak, *in trust* for those who may, in the manner provided, and in the time limited by the law, ultimately establish a legal right to receive them after pacification.

When the insurrection has been suppressed, the owners are authorized to invoke the jurisdiction of the Court of Claims, and obtain there an adjudication of their respective claims.

The proceeds of the property are thus in the possession of the United States, subject to the adjudications of that court; and when it shall have passed upon the claimants' rights, and decreed in their favor, Congress has solemnly declared that they shall receive restitution of their property. In the presence of such legislation, (covering, as it does, the entire subject-matter, providing for the safe custody of the property in question pending hostilities, and for the final judicial determination of the rights of the parties in interest,) I cannot see that the Executive has power to make a different disposition of the property from that provided by Congress, or authorize any one to determine the questions which Congress has intrusted to the decision of another forum.

I am, therefore, of opinion, in reply to your inquiry, that jurisdiction cannot be conferred upon a commission, appointed either by the President or the Secretary of the Treasury, to examine the claims in question, and to make restoration of the proceeds of so much of this cotton as may belong to loyal claimants.

The third and last question you propound is, what disposition should be made of the proceeds of the sales of the property. I think that it is your duty to see that the direction of the act of Congress is obeyed by those in whose hands these proceeds may be. The statute says that after the sale of any abandoned or captured property "the proceeds thereof shall be paid into the treasury of the United States." I am of opinion, therefore, that the proceeds of the property in question should be paid into the treasury, there to await the action of the Court of Claims and of Congress.

Very respectfully, your obedient servant,

JAMES SPEED, *Attorney General*.

Hon. HUGH McCULLOCH,

Secretary of the Treasury.



LETTER
OF
THE POSTMASTER GENERAL,
COMMUNICATING,

In compliance with a resolution of the Senate of the 28th ultimo, information relative to mail contracts with A. D. Trotter, of Staunton, Virginia, and the amount of money paid him on said contracts.

MARCH 2, 1867.—Read, ordered to lie on the table and be printed.

POST OFFICE DEPARTMENT,
Washington, March 2, 1867.

SIR: This report is submitted in answer to the resolution adopted by the Senate on the 28th ultimo, asking, "whether any and what mail contracts, if any, have been made with A. D. Trotter, of Staunton, Virginia, and whether any, and what moneys, if any, have been paid by the government to said Trotter on said contracts, without his taking the oath of office prescribed therefor by act of Congress; whether the oath filed upon which the said A. D. Trotter has drawn his pay as mail contractor is in the form prescribed by law, and whether said Trotter ever actually subscribed and took the oath so filed."

Since the close of the late rebellion, A. D. Trotter has become contractor for conveying the mail on several routes in Virginia, for service performed on which routes from July 1, 1865, to December 31, 1866, he has been paid the sum of \$13,822 95, less \$439 15 for deductions and fines, as shown by the report of the Auditor of the Treasury for the Post Office Department and statement of his account, of which copies are herewith enclosed.

On the files of the department is found a certificate of the oath prescribed by the acts of Congress of July 2, 1862, and March 3, 1863, taken and signed by A. D. Trotter, as "employed in the care, custody, and conveyance of the mail," a copy of which is also enclosed.

Respectfully, your obedient servant,

ALEX. W. RANDALL, *Postmaster General.*

Hon. L. S. FOSTER,

of Connecticut, President of the Senate.

OFFICE OF THE AUDITOR OF THE TREASURY FOR THE
POST OFFICE DEPARTMENT, March 1, 1867.

SIR: In reply to your letter of this date, enclosing a copy of a resolution of the Senate of the 28th ultimo, relative to the contracts of A. D. Trotter, Virginia, I have the honor to enclose a statement of his account from the 1st July, 1865, to 31st December, 1866, which will show "the amounts paid him for service performed."

Respectfully,

H. J. ANDERSON, *Auditor.*

GEO. W. McLELLAN, Esq.,

Second Assistant Postmaster General.

MAIL CONTRACTS IN VIRGINIA.

RO TES 4192, 4284, &c.—WEST VIRGINIA AND VIRGINIA.

DR. A. D. Trotter, contractor, Virginia, in account with the United States

CR.

To collections, route 4192, West Virginia, for quarter ending December 31, 1865.....	\$247 72	By transportation on route 4192, Virginia, from July 1, 1865, to June 30, 1866, at \$575 per quarter.....	\$2,300 00
To collections, route 4192, West Virginia, for quarter ending March 31, 1866.....	545 08	By \$575 more per quarter from December 1, 1865, as per order December 14, 1865.....	1,343 75
To collections, route 4192, West Virginia, for quarter ending September 30, 1865.....	966 35	By transportation on route 4284, Virginia, from January 1 to May 3, 1866, at \$62 50 per quarter, as per order July 23, 1866.	85 16
To draft 9357, November 14, 1865, on postmaster Baltimore, Md.	327 28	By transportation on route 4284, Va., from August 3 to December 31, 1865, at \$62 50 per quarter, as per order March 9, 1866.	102 58
To draft 4589, March 2, 1866, on postmaster Richmond, Va....	223 67	By transportation on route 4192, Virginia, from July 1 to September 30, 1866, as per order November 21, 1866.....	1,150 00
To draft 439, July 24, 1866, on postmaster Richmond, Va.....	1,418 81	By transportation on route 4192, Virginia, from October 1 to December 31, 1866, as per order February 1, 1867.....	1,150 00
To warrant 5396, November 22, 1866, on Treasurer of the United States, Washington, D. C.....	1,150 00	By transportation on route 4314, from August 10 to September 30, 1865, at \$478 50 per quarter, as per order December 14, 1865.	270 46
To warrant 6310, February 1, 1867, on Treasurer of the United States, Washington, D. C.....	1,150 00	By transportation on route 4314, from October 1 to December 31, 1865, as per order March 9, 1866.....	478 50
To draft 892, December 15, 1865, on postmaster Baltimore, Md.	270 46	By transportation on route 4335, from October 2 to December 31, 1865, at \$150 per quarter, as per order March 9, 1866....	148 37
To draft 5587, March 30, 1866, on postmaster Richmond, Va....	729 45	By transportation on route 4599, from January 1 to December 31, 1866, at \$705 62 per quarter.....	2,822 48
To deductions, route 4679, March 31, 1866.....	17 36	By \$100 more per quarter, from December 13, 1866, as per order November 22, 1866.....	20 65
To deductions, route 4679, June 30, 1866.....	25 30	By transportation on route 4673, from January 1 to December 31, 1866, at \$421 25 per quarter.....	1,685 00
To deductions, route 4680, March 31, 1866.....	9 09	By \$42 13 more per quarter, from January 1, 1866, as per order March 31, 1866.....	168 52
To deductions, route 4680, June 30, 1866.....	92 25	By transportation on route 4679, from January 1 to December 31, 1866, at \$118 75 per quarter.....	475 00
To deductions, route 4680, September 30, 1866.....	44 28	By \$11 87 more per quarter, from January 1, 1866, as per order March 1, 1866.....	47 48
To deductions, route 4689, March 31, 1866.....	154 93	By transportation on route 4680, from January 1 to December 31, 1866, at \$212 50 per quarter.....	850 00
To deductions, route 4689, June 30, 1866.....	20 92	By transportation on route 4689, from January 1 to December 31, 1866, at \$181 25 per quarter.....	725 00
To fines.....	75 02		
To collections, route 4689, September 30, 1866.....	30 00		
To collections, route 4599, December 31, 1866.....	26 22		
To collections, route 4679, September 30, 1866.....	35 59		
To collections, route 4679, December 30, 1866.....	20 30		
To draft 440, July 24, 1866 on postmaster Richmond, Va.....	2,261 91		
To warrant 4156, August 14, 1866, on assistant treasurer, Philadelphia.....	729 93		
To warrant 5422, November 22, 1866, on Treasurer, Washington, D. C.....	1,583 50		
To warrant 6311, February 1, 1867, on assistant treasurer, Philadelphia.....	1,667 50		
	13,822 95		13,822 95

Certificate of the oath of mail contractors and carriers required by law.

I, A. D. Trotter, being "employed in the care, custody, and conveyance of the mail" on routes Nos. 4192, 4492, 4673, 4599, 4680, 4679, and 4689, all in the State of Virginia, do swear that I will faithfully perform all the duties required of me, and abstain from everything forbidden by the laws in relation to the establishment of post offices and post roads within the United States; and that I will honestly and truly account for and pay over any moneys belonging to the said United States which may come into my possession or control; and I further solemnly swear that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought, nor accepted, nor attempted to exercise the functions of any office whatever under any authority, or pretended authority, in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States, hostile or inimical thereto. And I do further swear that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign or domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God.

I did, on the 6th day of July, 1865, take the amnesty oath prescribed by the proclamation of the President of the United States, May 29, 1865, and since.

A. D. TROTTER.

Sworn before the subscriber, a justice of the peace for the county of Washington, D. C., this 23d day of May, A. D. 1866; and I also certify that the person above named is above the age of sixteen years, to the best of my knowledge and belief.

[SEAL.]

JAMES LAWRENSON,
Justice of the Peace.

